

**CITY OF ROCHESTER  
COUNCIL AGENDA  
COUNCIL/BOARD CHAMBERS  
GOVERNMENT CENTER  
151 4<sup>TH</sup> STREET SE**

**MEETING NO. 3  
REGULAR**

**FEBRUARY 3, 2003  
7:00 P.M.**

**PLEDGE OF ALLEGIANCE**

PAGE

1-2    **A)    OPEN COMMENT PERIOD**

**B)    CALL TO ORDER**

**C)    LETTERS AND PETITIONS**

- 3-6            1)        The Southeast Minnesota Alliance of Peace Makers Request to be  
                      Heard -- **CONSIDERED** --
- 7-8            2)        Presentation by Kristin Mannix of the Diversity Council  
                      -- **CONSIDERED** --
- 9-10          3)        Petition for Annexation of 5 Lots in Osjor Estates 3<sup>rd</sup> Subdivision  
                      Area, J7707 -- **CONSIDERED** --

11-12 **D)    CONSENT AGENDA/ORGANIZATIONAL BUSINESS**

- 1)        Approval of Minutes -- **APPROVED** --
- 13-14          2)        Licenses and Miscellaneous Street Uses -- **APPROVED** --
- 15-16          3)        Amending RCO 45B.16, subd. 2 & RCO 125A – Amend Definition of  
                      3.2 Percent Malt Liquor -- **APPROVED** --
- 17-18          4)        Approve Election Judges for Primary Election  
                      -- **APPROVED** --
- 19-20          5)        Approval of Accounts Payable -- **APPROVED** --
- 21-22          6)        Agreement between AFSCME and City of Rochester  
                      -- **APPROVED** --
- 23-28          7)        Appointments – Police Officer – Rochester Police Department  
                      -- **APPROVED** --
- 29-30          8)        Labor Agreement for 2003-2005 Local #49, Street and Alley  
                      -- **APPROVED** --
- 31-32          9)        RPSA –'02-'04 Agreement -- **APPROVED** --
- 33-34          10)       Donation to Police Honor Guard -- **APPROVED** --
- 35-36          11)       Development Agreement – Lot 1 Airport Industrial Park 2<sup>nd</sup>  
                      -- **APPROVED** --

- |       |     |  |
|-------|-----|--|
| 37-38 | 12) | Real Estate – Settlement for Right of Way Acquisition for Bandel Road NW – Kramer Property J9815      -- <b>APPROVED</b> --  |
| 39-42 | 13) | Real Estate – Assessment Reapportionment<br>-- <b>APPROVED</b> --  |
| 43-48 | 14) | Feasibility Report and Request for Hearing for: (J9714) Construction of 23 <sup>rd</sup> Avenue SW from 2 <sup>nd</sup> St SW to Fox Valley Drive<br>-- <b>APPROVED</b> -- |
| 49-50 | 15) | Award of Contract, Traffic Signal on Country Club Road at new Fire Station #3, J6316      -- <b>APPROVED</b> --  |
| 51-52 | 16) | Parking Restriction, 7 <sup>th</sup> Street NW between West Circle Dr & TH 14<br>-- <b>APPROVED</b> --   |
| 53-54 | 17) | Engineering Service Agreements for Sanitary Sewer and Watermain, J7710 and Storm Water Pond, J4005      -- <b>APPROVED</b> --  |
| 55-56 | 18) | Voluntary Assessment for TMDL Lawsuit filed by CGMC<br>-- <b>APPROVED</b> --   |

**E) HEARINGS**

- |         |    |  |
|---------|----|--|
| 57-64   | 1) | Continued Hearing on Variance #02-40 by Kendal Group located east of North Broadway and south of Rocky Creek Drive NE and north and west of 26th Street NE      -- <b>APPROVED</b> --  |
| 65-90   | 2) | General Development Plan #197 by GP Development, Inc. to be known as Fieldstone (formerly known as Flagstone)<br>-- <b>CONTINUED TO FEBRUARY 19</b> --   |
| 91-102  | 3) | Final Plat #02-38 to be known as New River Subdivision<br>-- <b>APPROVED</b> --  |
| 103-122 | 4) | Type III, Phase III Change in Use of a Nonconforming Use Permit #02-61 by John Case on property located on 55th Street N.W. at 4203 55th Street N.W.      -- <b>APPROVED</b> --  |
| 123-140 | 5) | Text Amendment #02-06 initiated by the City Planning and Zoning Commission to amend Section 65.510(5)(b) of the <u>Rochester Zoning Ordinance and Land Development Manual</u> on the standards for use of advertising sign credits.      -- <b>APPROVED</b> -- |

**F) REPORTS AND RECOMMENDATIONS**

- |         |    |  |
|---------|----|--|
| 141-144 | 1) | Petition for the Extension of Sanitary Sewer and Watermain in Eastwood Road SE      -- <b>APPROVED</b> --                      |
| 145-148 | 2) | Petition for the Extension of Sanitary Sewer and Watermain to Serve 1431 20 <sup>th</sup> Street SW      -- <b>APPROVED</b> -- |

**G) RESOLUTIONS AND ORDINANCES**

149-150

**H) TABLED ITEMS**

**I) OTHER BUSINESS**

**J) ADJOURNMENT**

## REQUEST FOR COUNCIL ACTION

MEETING

DATE: 2/3/03

1

<b>AGENDA SECTION:</b> OPEN COMMENT PERIOD	<b>ORIGINATING DEPT:</b> CITY ADMINISTRATOR	<b>ITEM NO.</b> A
<b>ITEM DESCRIPTION:</b> OPEN COMMENT PERIOD		<b>PREPARED BY:</b> S. KVENVOLD

This agenda section is primarily for the purpose of allowing citizens to address the City Council on a topic of their choice. The following guidelines apply:

- This section of the agenda may not be used as a forum to continue discussion on an agenda item which has already been held as a public hearing.
- This agenda section is limited to 15 minutes and each speaker is limited to 4 minutes.
- Any speakers not having the opportunity to be heard will be first to present at the next Council meeting.
- Citizens may only use this forum to address the Council on a maximum of one time per month.
- Matters currently under negotiation, litigation or related to personnel will not be discussed in this forum.
- Questions posed by a speaker will generally be responded to in writing.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_



## REQUEST FOR COUNCIL ACTION

MEETING  
DATE: 2/3/03

3

<b>AGENDA SECTION:</b> LETTERS AND PETITIONS	<b>ORIGINATING DEPT:</b> Administration	<b>ITEM NO.</b> C-1
<b>ITEM DESCRIPTION:</b> The Southeast Minnesota Alliance of Peace Makers Request to be Heard		<b>PREPARED BY:</b> S. Kvenvold

The Southeast Minnesota Alliance of Peace Makers request to be heard. They will be presenting an anti-war resolution which they will request the City Council to adopt.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

4

## RESOLUTION

WHEREAS, the people of Rochester are peace-loving and welcome a population of citizens from many countries and faith persuasions who wish to live peacefully with one another; and,

WHEREAS, the issues between Iraq and the world community have not proven to be irresolvable by traditional diplomatic efforts; and,

WHEREAS, while Saddam Hussein is a tyrant who should be removed from power, both for the good of the Iraqi people and for the security of Iraq's neighboring countries, it is not at all clear that a unilateral U.S. military action would result in the installation of a free and democratic Iraqi government; and,

WHEREAS, U.S. military actions would risk the deaths of thousands of Iraqi civilians without guaranteeing the safety and security of U.S. citizens; and,

WHEREAS, a pre-emptive and unilateral U.S. military attack would violate international law and our commitments under the U.N. Charter and further isolate the U.S. from the rest of the world; and

WHEREAS, the Congressional Budget Office estimates a military action against Iraq will cost our nation between \$9 and \$13 billion a month, likely resulting in further cuts in federally funded projects and programs that benefit our city and its residents; and,

WHEREAS, a U.S.-led war in Iraq would compromise our current action in Afghanistan and require years of nation-building activities in Iraq; and,

WHEREAS, the Bush administration has failed to articulate a clear strategic objective or outcome of a military attack against Iraq, and such an attack fails to enjoy the support of many of our important allies; and,

WHEREAS, we give our unconditional support to U.S. military personnel serving at home and abroad in their tireless battle against global terrorism, and should our military forces be sent to Iraq, we give our unyielding support to our young men and women serving in our nation's military, even if we oppose the policy that sent them there.

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Common Council of the City of Rochester, Minnesota, hereby declare our opposition to a unilateral pre-emptive U.S. military attack on Iraq unless it is demonstrated to the United Nations that Iraq poses a real and imminent threat to the security and safety of the United States.

BE IT FURTHER RESOLVED that we support a return of U.N. weapons inspectors to Iraq, enhanced by sufficient police support to guarantee unfettered access to all targeted sites.

BE IT FURTHER RESOLVED that we urge the U.S. to work through the U.N. Security Council and reaffirm our nation's commitment to the rule of law in all international relationships.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Minnesota congressional delegation and the President of the United States.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF  
ROCHESTER, MINNESOTA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

\_\_\_\_\_  
PRESIDENT OF SAID COMMON COUNCIL

ATTEST: \_\_\_\_\_  
CITY CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

\_\_\_\_\_  
MAYOR OF SAID CITY

(Seal of the City of  
Rochester, Minnesota)

6

# REQUEST FOR COUNCIL ACTION

MEETING

DATE: 2/3/03

7 ✓

**AGENDA SECTION:**

LETTERS AND PETITIONS

**ORIGINATING DEPT:**

Administration

**ITEM NO.**

C-2

**ITEM DESCRIPTION:** Presentation by Kristin Mannix of the Diversity Council**PREPARED BY:**  
S. KVENVOLD

Kristin Mannix of the Diversity Council wishes to present the City with an award.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

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# REQUEST FOR COUNCIL ACTION

MEETING

DATE: 2/3/03

9

AGENDA SECTION: LETTERS and PETITIONS	ORIGINATING DEPT: Public Works	ITEM NO. C-3
ITEM DESCRIPTION: Petition for Annexation of 5-Lots in Osjor Estates 3 <sup>rd</sup> Subdivision Area, J7707		PREPARED BY: J. Loehr

A Public Hearing was conducted on October 7, 2002 for the following local improvement project:

**Project No. M2-33, J7707**

**"Sanitary Sewer to Serve Lots 1-3 and Lots 11-13 in Osjor Estates 3<sup>rd</sup> Subdivision Located on Oslo Court NE."**

The RCA for the Public Hearing stated:

**Annexation**

The six lots are located outside the City limits in Haverhill Township.

Since the Haverhill Town Board indicates that they will not enter into an Orderly Annexation with the City of Rochester for annexation of the lots, the property owners are required to petition for annexation prior to the award of a contract for the project.

The property owners requesting City sewer service indicate that they will not petition for annexation until after January 1, 2003.

**Petition for Annexation**

On January 20, 2003 the property owners of lots 1&2 and lots 11-13 submitted a petition for annexation. A Public Hearing for the City Council to consider the annexation petition will be conducted on March 17, 2003.

The property owner of lot 3 chose not to petition for annexation.

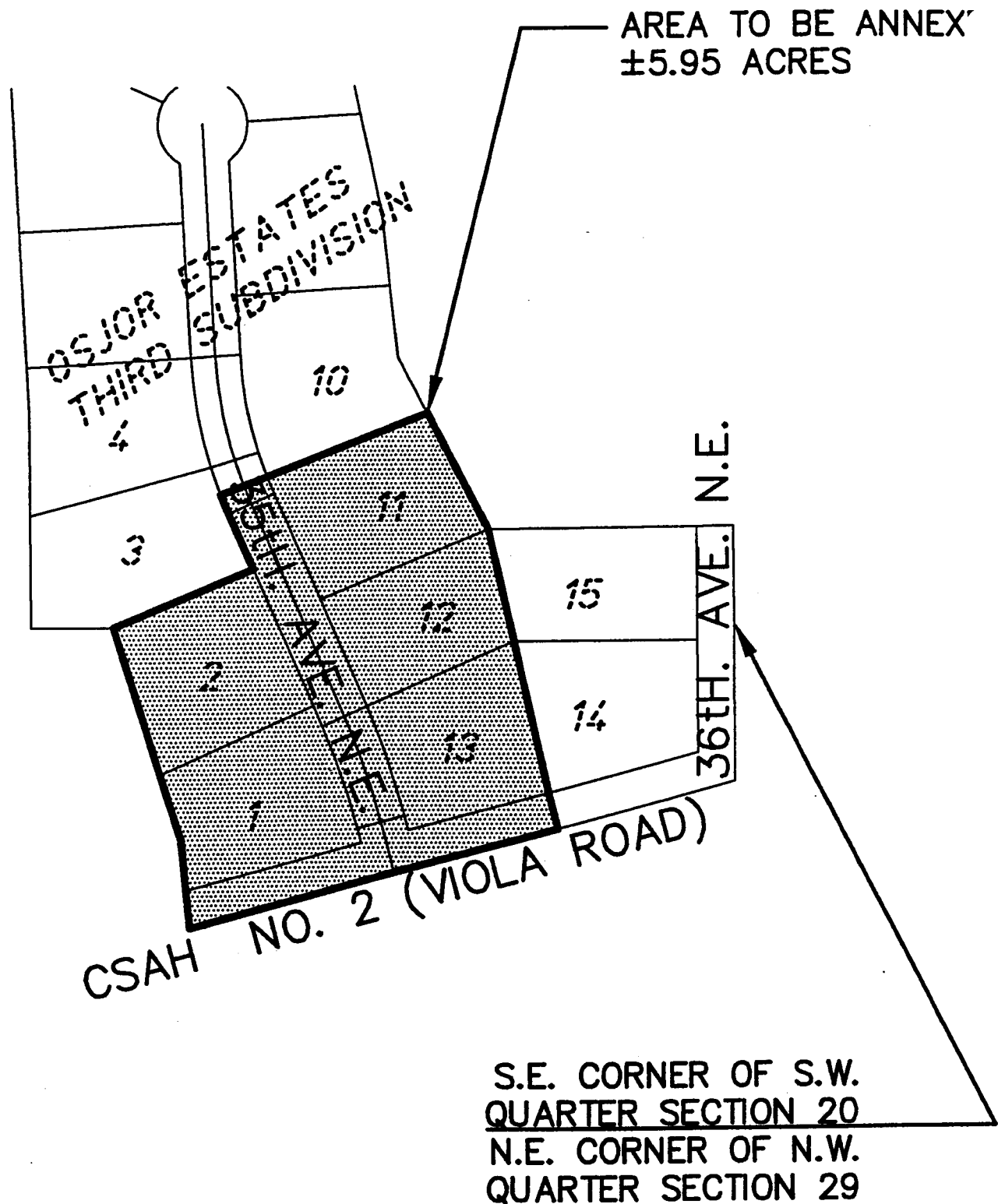
**COUNCIL ACTION REQUESTED:**

No action is requested of the City Council at this time. This RCA is prepared to advise the City Council of the status of the petition for annexation from the property owners that are affected by project J7707.

Attachments: Location Map

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

# ANNEXATION EXHIBIT



SCALE: 1" = 200'

DRAWN BY: BWC, MRD

DATE: 09/13/02

PROJECT NO. 6202

CADD NO.: 6202.DWG

FOR:

CITY OF ROCHESTER  
ROCHESTER, MINNESOTA

**WHKS & CO.**

ENGINEERS PLANNERS LAND SURVEYORS

MASON CITY, IA DUBUQUE, IA AMES, IA ROCHESTER, MN

# REQUEST FOR COUNCIL ACTION

MEETING  
DATE: 2/3/03

11

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: CITY ADMINISTRATOR	ITEM NO. D-1-18
ITEM DESCRIPTION: APPROVAL OF CONSENT AGENDA ITEMS		PREPARED BY: G. NEUMANN

This RCA lists all the items which have been included in the consent agenda for this meeting. The Council can approve all of the items with a single motion to approve. The Council President will allow the Councilmembers an opportunity to state whether there are any of these items which you wish to have removed from the consent agenda approval and to have them discussed and acted upon separately by the Council.

The consent agenda for this meeting consists of the following RCAs:

- 1) Approval of Minutes
- 2) Licenses and Miscellaneous Street Uses
- 3) Amending RCO 45B.16, subd. 2 & RCO 125A – Amend Definition of 3.2 Percent Malt Liquor
- 4) Approve Election Judges for Primary Election
- 5) Approval of Accounts Payable
- 6) Agreement between AFSCME and City of Rochester
- 7) Appointments – Police Officer – Rochester Police Department
- 8) Labor Agreement for 2003-2005 Local #49, Street and Alley
- 9) RPSA – '02-'04 Agreement
- 10) Donation to Police Honor Guard
- 11) Development Agreement – Lot 1 Airport Industrial Park 2<sup>nd</sup>
- 12) Real Estate – Settlement for Right of Way Acquisition for Bandel Road NW – Kramer Property J9815
- 13) Real Estate – Assessment Reapportionment
- 14) Feasibility Report and Request for Hearing for: (J9714) Construction of 23<sup>rd</sup> Avenue SW from 2<sup>nd</sup> St SW to Fox Valley Drive
- 15) Award of Contract, Traffic Signal on Country Club Road at new Fire Station #3, J6316
- 16) Parking Restriction, 7<sup>th</sup> Street NW between West Circle Dr & TH 14
- 17) Engineering Service Agreements for Sanitary Sewer and Watermain, J7710 and Storm Water Pond, J4005
- 18) Voluntary Assessment for TMDL Lawsuit filed by CGMC

## COUNCIL ACTION REQUESTED:

Motion to approve consent agenda items

COUNCIL ACTION: Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

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# REQUEST FOR COUNCIL ACTION

MEETING  
DATE: 2/3/03

13

<b>AGENDA SECTION:</b> Consent Agenda	<b>ORIGINATING DEPT:</b> City Clerk	<b>ITEM NO.</b> D-2
<b>ITEM DESCRIPTION:</b> Licenses and Miscellaneous Street Uses		<b>PREPARED BY:</b> Judy Scherr

The following licenses and miscellaneous street uses are submitted for your consideration. All are pending the required applications, fees, insurance certificates and departmental approvals.

Gambling – Temporary

Aldrich Memorial Nursery School  
855 Essex Parkway N.W.  
Raffle – at the school  
May 3, 2003

Annual Gambling – Premise Permit Renewal

Olmsted County Hockey Association

Raffles conducted at:

North Star Bar  
503 North Broadway

Sand Trap  
1618 Highway 52 North

CJ's Midtowne Lounge  
8 Broadway SE

Dance – Temporary

Boys and Girls Club  
At Rochester Elks Lodge  
Winter Fest Fundraiser for Boys & Girls Club  
February 8<sup>th</sup>, 2003 – 1-5 PM & 7-11PM

COUNCIL ACTION REQUESTED

A motion to approve the above licenses and miscellaneous activities.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

City Council President,

The propose of this dance is to have activity during the Rochester Winter Fest weekend for Rochester Area Youth that would benefit the Rochester Boys & Girls Club. This Dance will be held at the Rochester Elks Lodge in Rochester MN on February 8<sup>th</sup>. We will be having 2 different times for different age groups. Grades 6-8 (Middle School) 1:00 pm – 5:00 pm Grades 9-12 (High School) 7:00 pm – 11:00 pm. We are aware of the curfew for the under 18-age group and have addressed this issue with the 11:00pm stop time. This is in no way a RAVE DANCE. The dance will be alcohol free and drug free. We have also notified the Rochester Police Department as to when and where the dance will be held. We are discussing possible volunteer officer(s) or pay for an officer(s). If this Dance does prove to be a fun and enjoyable time for all we plan on having more dances for Rochester and area teens. If you have any question or concern please give me a call.

Daniel M. Wildfeuer  
Good Vibration Mobile DJ Services  
(507) 261-5930

## REQUEST FOR COUNCIL ACTION

MEETING 15

DATE: 2/3/03

<b>AGENDA SECTION:</b> Consent Agenda	<b>ORIGINATING DEPT:</b> City Clerk	<b>ITEM NO.</b> D-3
<b>ITEM DESCRIPTION:</b> Amending RCO 45B.16, subd. 2 & RCO 125A - Amend Definition of 3.2 Percent Malt Liquor		<b>PREPARED BY:</b> Judy Scherr
<p>Several years ago the State of Minnesota changed the definition of beer licenses, removing the "non-intoxicating" definition and calling it 3.2 percent malt liquor. It looking for a reference to a liquor question, it was found that the definition has never been amended in our local ordinances.</p> <p>RCO 45B.16, subd. 2 refers to 3.2 percent malt liquor in the parks and the entire RCO 125A needs to be amended in various spaces to change the definition to reflect correct terminology.</p> <p><u>COUNCIL ACTION REQUESTED</u></p> <p>A motion to amend RCO 45B.16, subd. And RCO 125A to reflect the correct terminology for beer licenses as "3.2 percent malt liquor" and instruct the City Attorney to prepare the required ordinance for adoption.</p>		
<b>COUNCIL ACTION:</b> Motion by: _____ Second by: _____ to: _____		

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# REQUEST FOR COUNCIL ACTION

MEETING

DATE: 2/3/03

17 -

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: City Clerk	ITEM NO. D-4
ITEM DESCRIPTION: Approve Election Judges for Primary Election		PREPARED BY: Judy Scherr

The list below contains the names of those individuals to serve as election judges for the City Primary Election for 6<sup>th</sup> Ward Councilmember to be held on March 11, 2003. The Council needs to approve the list of judges.

6-1 Elton Hills School

Elaine Schuster  
Rose Marie Larson  
Kathleen Evers  
Ruth Murray  
Betty Shimek

619 Elton Hills Dr. NW  
2715 Riverside Lan NE  
625 - 19th Street NW #705  
3006 - 25th Street NW  
1815 - 15th Street NW

6-5 Elim Baptist Church

Donald DeWalt  
Carol Kling  
Sharon Northouse  
Margaret Klobuchar  
Elaine Schmidt

1334 - 38th Street NW  
5722 Lowry Dr. NW  
1004 - 2nd Street NW  
1839 - 34th St. NW  
2518 - 18th Ave. NW

6-2 Hoover School

Karen Carney  
Robert Browning  
Betty Paulsen  
Lorraine Darling  
Nylene Thompson

1461 Cascade Street NW  
2501 - 17th Ave. NW  
625 - 19th Street NW #302  
625 - 19th Street NW #501  
1331 - 5th Street NE

6-6 Assembly of God Church

Linda Kuehn  
Susan Einspahr  
Faith Lyons  
Mary Benike  
Sara Schweitzer

4102 - 14th Ave. NW  
820 - 10th Street NW  
2105 Valley High Dr. NW  
2441 - 25th Street NW  
1505 - 41st Street NW Apt, F2

6-3 Gage School

Elizabeth Holmberg  
Kenneth Schultz  
Sandy Nelson  
Frederick Trummer  
Jay Youmans

2010 - 42nd Street NW  
2917 - 7th Ave. NW  
1320 - 42nd Street NW  
825 Essex Parkway NW #112  
4124 - 57th Lane NW

6-7 Resurrection Evangelical Lutheran Church

Carole Grimm  
Sister Marlys Jax  
Bobbie Lebeck  
Mike Hendrickson  
Betty Milkanin (3/11 only)  
Harold Stewart (4/22 only)

3222 - 49th Street NW  
1001 - 14th Street NW  
718 - 2nd Ave. NW  
2525 - 19th Ave. NW  
1333 Authur Lane NW #104  
1535 Graham Ct. SE

6-4 John Adams Middle School

Crysta Parkin  
LaVaun Postier  
Harold Osborn  
Judith Doty  
Lori Timmerman

111 - 4th Avenue NW, Byron  
8366 County Road 3, NW, Oronoco  
3030 - 15th Ave. NW  
1911 Viking Drive NW #27  
3203 - 15th Ave. NW Apt. C.

## COUNCIL ACTION REQUESTED

A motion to approve the list of election judges for the City Primary Election on March 11, 2003.

COUNCIL ACTION: Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

18

# REQUEST FOR COUNCIL ACTION

MEETING

DATE: 2/3/03

19

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: Finance Department	ITEM NO. D-5
ITEM DESCRIPTION: Approval of Accounts Payable		PREPARED BY: Dale Martinson

Respectfully request a motion to approve the following cash disbursements:

Investment purchases of       \$8,070,066.19

Accounts payable of       \$3,841,145.78

Total disbursements       \$11,911,211.97

(Detailed listing of disbursements submitted separately.)

COUNCIL ACTION: Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

23

# REQUEST FOR COUNCIL ACTION

MEETING  
DATE: 2/3/03

21

<b>AGENDA SECTION:</b> Consent	<b>ORIGINATING DEPT:</b> Human Resources	<b>ITEM NO.</b> D-6
<b>ITEM DESCRIPTION:</b> Agreement between AFSCME and City of Rochester		<b>PREPARED BY:</b> Linda Gilsrud

- Wage Adjustment – 3% wage adjustment awarded retroactive to 1/1/03  
3 % wage adjustment effective 1/1/04
- The City proposed changes in the length of time to reach the highest step of the step schedule during 2003 and 2004 to satisfy MN pay equity guidelines:

On 7/1/03

Six mos.	1 year	2 years	3 years	4 years	5 years	6 years
becomes						
Start	Six mos.	1 year	2 years	3 years	4 years	5 years
Maximum wage is achieved within AFSCME schedule in five years						

On 7/1/04

Six mos.	1 year	2 years	3 years	4 years	5 years
becomes					
Start	Six mos.	1 year	2 years	3 years	4 years
Maximum wage is achieved within AFSCME schedule in four years					

HR will provide lists of AFSCME job titles and bargaining unit members occupying the positions on a quarterly basis as designated in the agreement

- Hourly and annualized rates of pay will be listed in the agreement
- In years when Christmas Eve and New Year's Eve fall on a Monday, the holidays shall be eight hours for full-time employees.
- The vacation schedule will be modified as follows, effective 1/1/04:
  - 6-10 years of employment 152 hours (up from 144 hours) for an increase of eight hours per year
  - 11-15 years of employment 176 hours (up from 168 hours) for an increase of eight hours per year
- Funeral leave language is updated to read similarly to the City's funeral leave policy.
- Health, dental and life coverage is effective the first day of the month following twenty (20) calendar days of employment.
- HR will seek revision of reclassification policy to include a response by department head within 60 days if he/she does not agree with employee's request to be considered for reclassification
- The response time for all steps in the grievance process is changed to ten working days
- Vacation rollover will occur after last pay date in December 2003 and each December thereafter. Employee may request additional 60 days to utilize vacation beyond cap if workload is such that vacation time off was not approved by supervisor

**Council Action Requested:** Resolution authorizing the Mayor and City Clerk to sign the agreement

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

22

Supplementary Information for AFSCME Agreement  
Tests for Compliance  
in the  
Local Government Pay Equity Act  
Prepared by Linda Gilsrud, Human Resources

The Minnesota Legislature passed the Local Government Pay Equity Act (LGPEA) in 1984. Cities and other jurisdictions are on a three-year compliance reporting cycle with a third of the covered entities reporting each year.

The City of Rochester must submit their next report by 1/31/05.

The Salary Range Test, one of four tests applicable to the City of Rochester, in the LGPEA, compares the average number of years it takes for individuals to move through a wage range established for female classes compared to male classes. The resulting percentage must equal 80% or more to pass the test. A jurisdiction not passing the test can pass it by reducing the number of years it takes for female classes to reach maximum wage.

The AFSCME agreement includes a number of female classes. Other agreements including a number of male classes move through the wage range in four years while the AFSCME agreement provided for a six-year wage range for all covered jobs.

The City's proposal to eliminate the difference so compliance can be assured in the City's 2005 report is included in the tentative agreement presented to the Council for their approval on 2/3/05.

To lessen the financial impact in any one fiscal year, the City proposed a change from six steps to five steps, making the six-month wage rate effective 1/1/03 the start rate on 7/1/03. On 7/1/04, the second part of the proposal will occur making the six-month wage rate effective on 1/1/04, the new start rate.

The cost of this portion of the AFSCME settlement to the City is approximately \$19,000 in 2003 and \$20,000 in 2004.

## REQUEST FOR COUNCIL ACTION

MEETING  
DATE: 2/3/03

23

AGENDA SECTION: Organizational	ORIGINATING DEPT: Human Resources	ITEM NO. D-7
ITEM DESCRIPTION: Appointments - Police Officer - Rochester Police Department		PREPARED BY: L Gilsrud

The 2003 approved budget authorizes the addition of four (4) police officer positions based on the June 17, 2002 resolution that the Rochester Police Department accept a U.S. Department of Justice Office of Community Oriented Policing Services COPS in Schools grant.

Police Chief Roger Peterson has requested that two (2) of the four (4) positions be filled effective February 20, 2003.

POLICE CIVIL SERVICE COMMISSION APPROVED

### COUNCIL ACTION REQUESTED:

Section 9.00 of the Rochester Home Rule Charter states that the Mayor appoints all members of the Rochester Police Department. Pursuant to that authority, the Mayor has appointed **Matthew C. Krambeck** and **Philip J. Paschal** to the position of Police Officer effective February 20, 2003.

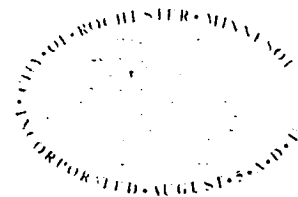
The information is given to the Council so that Council Members are aware of the appointments.

COUNCIL ACTION: Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to:

24



Mayor Ardell F. Brede  
201 4th Street SE – Room 281  
Rochester, MN 55904-3782  
Phone: (507) 285-8080 Fax: (507) 287-7979



TO: City Administrator  
RE: Appointment to Police Department

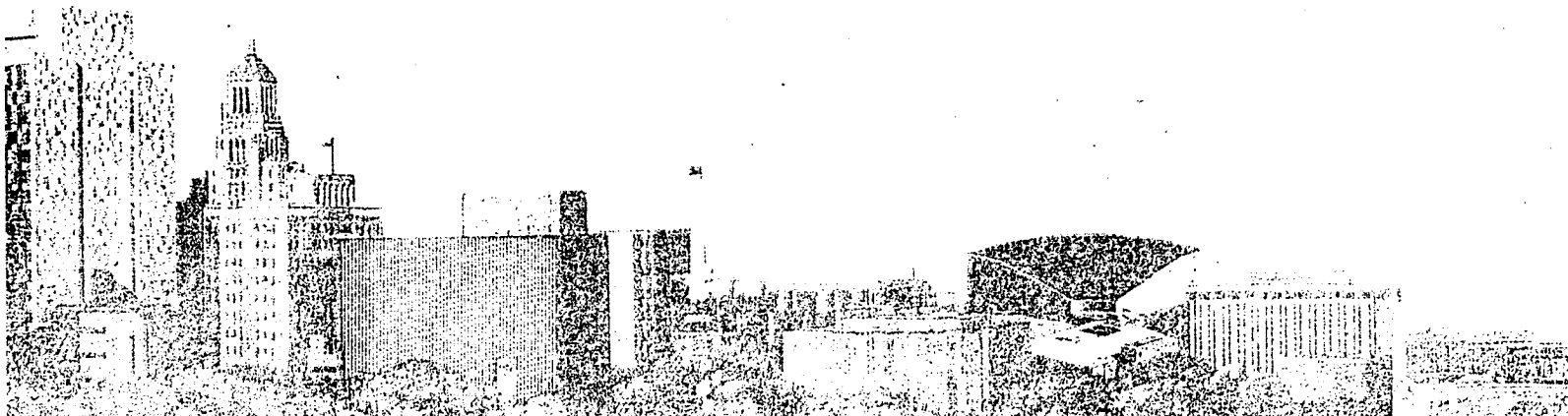
Based on the certified Police Officer Eligibility Roster of qualified candidates, I am appointing Matthew C. Krambeck to the position of Police Officer effective February 20, 2003.

*Ardell F. Brede*

Mayor Ardell F. Brede  
City of Rochester

1/30/03  
Date

Cc: Director of Human Resources





# ROCHESTER

*Minnesota*



POLICE CIVIL SERVICE COMMISSION  
MICHELLE LEAK RICHARD DALE

January 30, 2003

Honorable Mayor Ardell F. Brede  
City Hall  
Rochester, Minnesota 55904

Dear Mayor Brede,

The 2003 approved budget authorizes the addition of four (4) police officer positions based on the June 17, 2002 resolution that the Rochester Police Department accept a U.S. Department of Justice Office of Community Oriented Policing Service COPS in Schools grant.

We respectfully request that you make one (1) appointment to the position of Police Officer from the following list of three (3) names which stand highest on the Police Officer Eligibility Roster of qualified candidates:

1. Matthew C. Krambeck
2. Philip J. Paschal
3. Jeffrey C. Loftus

Police Chief Roger Peterson requests that this appointment be effective February 20, 2003.

Respectfully Submitted,

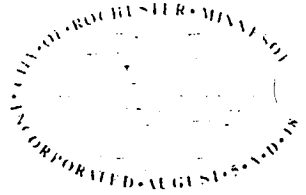
A handwritten signature in cursive script that reads "Michelle Leak".

Michelle Leak  
President  
Police Civil Service Commission

24



Mayor Ardell F. Brede  
201 4th Street SE – Room 281  
Rochester, MN 55904-3782  
Phone: (507) 285-8080 Fax: (507) 287-7979



TO: City Administrator  
RE: Appointment to Police Department

Based on the certified Police Officer Eligibility Roster of qualified candidates, I am appointing Philip J. Paschal to the position of Police Officer effective February 20, 2003.

Mayor Ardell F. Brede  
City of Rochester

1/30/03  
Date

Cc: Director of Human Resources





# ROCHESTER

*Minnesota*

POLICE CIVIL SERVICE COMMISSION  
MICHELLE LEAK RICHARD DALE

January 30, 2003

Honorable Mayor Ardele F. Brede  
City Hall  
Rochester, Minnesota 55904

Dear Mayor Brede,

The 2003 approved budget authorizes the addition of four (4) police officer positions based on the June 17, 2002 resolution that the Rochester Police Department accept a U.S. Department of Justice Office of Community Oriented Policing Service COPS in Schools grant.

We respectfully request that you make one (1) appointment to the position of Police Officer from the following list of three (3) names which stand highest on the Police Officer Eligibility Roster of qualified candidates:

1. Philip J. Paschal
2. Jeffrey C. Loftus
3. Lisa M. Malone

Police Chief Roger Peterson requests that this appointment be effective February 20, 2003.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Michelle Leak".

Michelle Leak  
President  
Police Civil Service Commission

28

# ROCHESTER

—Minnesota—



ROGER PETERSON  
Chief of Police  
Rochester Police Department  
101 4th St. S.E.  
Rochester, MN 55904-3761

December 23, 2002

Michelle Leak, President  
Rochester Police Civil Service Commission  
City Hall, Room 295  
201 SE 4<sup>th</sup> Street  
Rochester, MN 55904

Dear President Leak:

We are requesting that the Civil Service Commission provide the Mayor with a list of the top three candidates for each of the four entry-level Police Officer positions from the Police Officer's eligibility list for selection and appointment for four entry-level positions. This request is due to the approval by the City Council to hire four entry-level officers as approved in the 2003 fiscal budget.

It is our desire that these appointments be made during January 2003.

I appreciate your attention in this matter.

Sincerely,

Roger Peterson  
Chief of Police

mg

## REQUEST FOR COUNCIL ACTION

MEETING  
DATE: 2/3/03

29

AGENDA SECTION: Consent	ORIGINATING DEPT: Human Resources	ITEM NO. D-8
ITEM DESCRIPTION: Labor Agreement for 2003-2005 Local #49, Street and Alley		PREPARED BY: Linda Gilsrud

Wage Adjustment: 3% wage rate adjustments shall be effective 1/1 in 2003 and 2004  
2.5% wage rate adjustment shall be effective 1/1/2005

Other changes:

- The City will make a payment of \$60.00 to any Local #49 member who holds a valid Class A commercial driver's license on 1/1/2003. The \$60.00 payment represents approximately the cost of a four-year license renewal. After 1/1/2000, Local #49 employees who wished to obtain a Class A commercial driver's license had to receive approval to obtain the license in order to be eligible for the \$60.00 payment.
- The City will reimburse an employee for the purchase of safety shoes, upgrading safety glass frames from a standard frame, and other personal safety equipment up to three hundred and sixty dollars (\$360.00) during the three-year agreement.
- The City will purchase one winter safety jacket during the term of the agreement for those positions covered by the agreement that work out of doors. The City and Union will mutually agree on the vendor for the winter safety jackets.
- Agreed on minor clarifications and corrections to the agreement

Council Action Requested:

Resolution authorizing the Mayor and City Clerk to sign the agreement.

30

# REQUEST FOR COUNCIL ACTION

MEETING  
DATE: 2/3/03

31

AGENDA SECTION: Consent	ORIGINATING DEPT: Human Resources	ITEM NO. D-9
ITEM DESCRIPTION: RPSA '02-'04 Agreement		PREPARED BY: Linda Gilsrud

An agreement has been reached by RPSA leadership and the City of Rochester for the period 2002 – 2004:

- All references within the agreement to the Director of Employee Relations will be changed to read Director of Human Resources
- Article 9. **HOLIDAYS**  
A. Change five hours to 4.615 hours of accrual per pay period
- Article 11. **SICK LEAVE**  
I. Change "his/her duty Captain" to "his/her commanding officer"
- Article 17. **SALARIES:** 2002, 2003, and 2004 are adjusted by 3% in each year of the agreement  
3% effective January 1, 2002, 3% effective January 1, 2003, and 3% effective January 1, 2004
- Article 23. **TERM**  
This Agreement shall be in effect from January 1, 2002 and shall remain in effect until December 31, 2004, and from year to year thereafter, unless either party shall notify the other in writing by May 1, 2004, that it desires to modify or terminate this Agreement.
- Article 28. **MERIT PAY INCREASES**  
Merit increases in the first year of the agreement (2002) shall remain as is, based on Article 28 language (1 percent for exceeds standards overall performance rating and 2 percent for significantly exceeds standards overall performance rating).  
A memo of understanding has been prepared regarding merit increases in 2003 and 2004. To offer the Chief of Police an opportunity for greater and more refined performance differentiation, a RPSA member will be paid from 0-0.9% of his/her current salary at the time of their annual performance evaluation if his/her work performance "meets standards". An association member will be paid from 1.0-1.9% of his/her current salary at the time of his/her annual performance evaluation if his/her work performance "exceeds standards". An association member will be paid from 2.0-3.0% of his/her current salary at the time of his/her annual performance evaluation if his/her work performance significantly exceeds standards. The Chief of Police, based on the recommendation of an employee's supervisor will make the final determination of the merit pay percentage to be awarded. The memo of understanding is renewable after 12/31/04, at the agreement of the Association and the City of Rochester. If the memo of understanding is not renewed, the terms of Article 28 will be reinstated.
- Minor language changes made to correct and clarify agreement

*RPSA is Rochester Police Supervisors Assn.*

## Council Action Requested:

Resolution authorizing the Mayor and City Clerk to sign the agreement.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

32

## REQUEST FOR COUNCIL ACTION

MEETING

DATE: 2/3/03

33

<b>AGENDA SECTION:</b> Consent Agenda	<b>ORIGINATING DEPT:</b> Police	<b>ITEM NO.</b> D-10
<b>ITEM DESCRIPTION:</b> Donation to Police Honor Guard		<b>PREPARED BY:</b> M. Goodsell

Wal-Mart Foundation, Store #1971 (Wal-Mart North Store) has donated \$600 to the Rochester Police Honor Guard. Wal-Mart would like these funds to be used for training expenses.

### COUNCIL ACTION REQUESTED:

Approval to accept \$600 donation from Wal-Mart Foundation for Police Honor Guard training expense.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

34

# REQUEST FOR COUNCIL ACTION

MEETING

DATE: 02/03/03

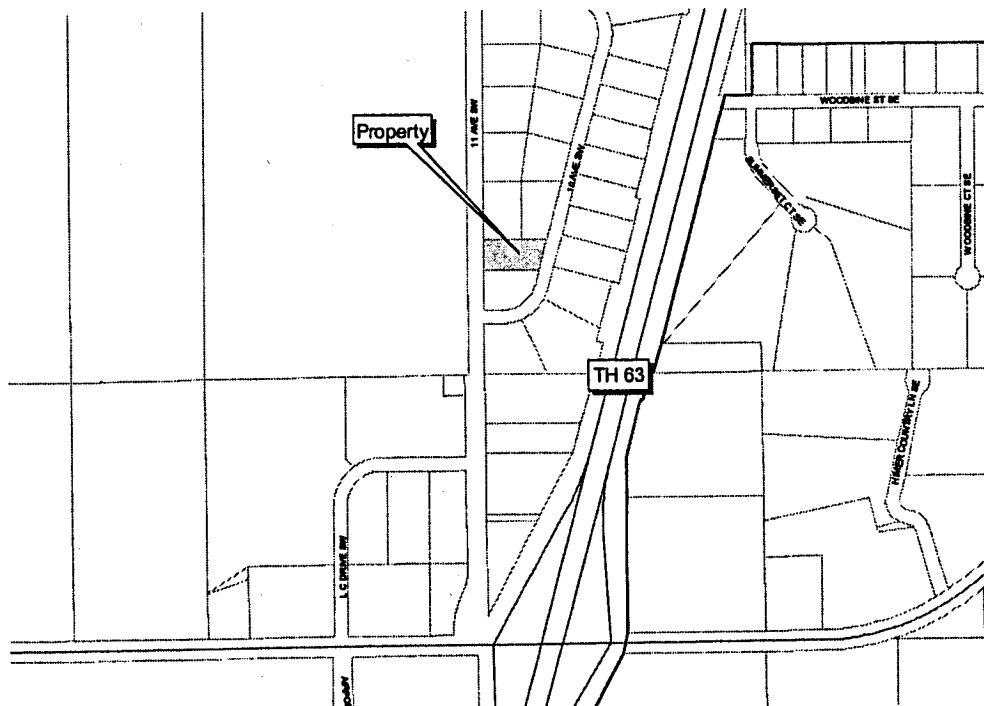
35

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-11
ITEM DESCRIPTION: Development Agreement – Lot 1 Airport Industrial Park 2nd		PREPARED BY: M. Nigbur

The Developer of land, located along 11<sup>th</sup> Avenue SW, and City Staff have had discussions relating to impacts of the project on the surrounding infrastructure. Based on the discussions, the content for a development agreement has been decided and a document has been created. The major items covered in the agreement include the following:

- Traffic Improvements: controlled access, pedestrian facilities, traffic control signs, and turn lane construction.
- Owners payment of the, development related charges including Storm Water Management and substandard street charges.

Staff recommends the Council approve the Development Agreement. The Developer has executed the agreement.



## COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the Development Agreement with John and Merrylee Rogotzke for Lot 1 Airport Industrial Park 2nd.

COUNCIL ACTION: Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

34

# REQUEST FOR COUNCIL ACTION

MEETING

DATE:

37  
2/3/03**AGENDA SECTION:**  
CONSENT AGENDA**ORIGINATING DEPT:**  
Public Works**ITEM NO.**

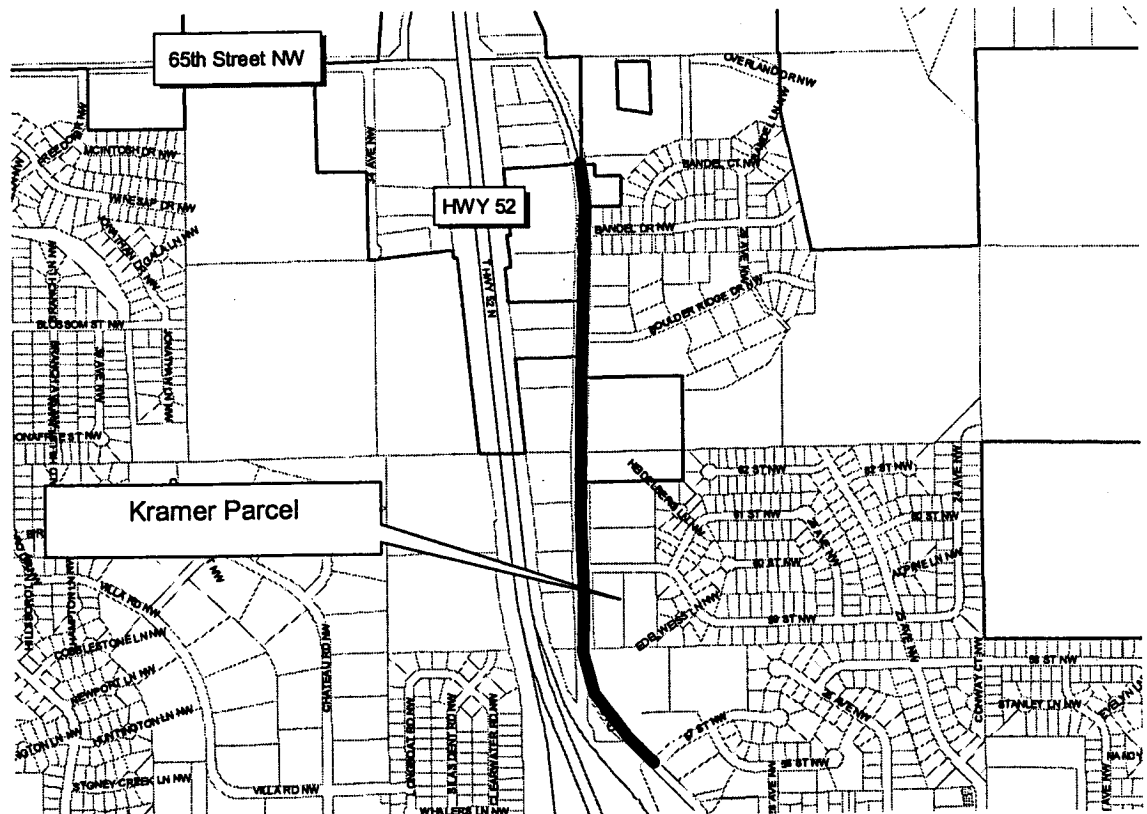
D-12

**ITEM DESCRIPTION:** Real Estate – Settlement for Right of Way Acquisition for Bandel Road NW – Kramer Property J9815**PREPARED BY:**

M. Nigbur

The City of Rochester is currently designing the proposed reconstruction of Bandel Road NW. As part of the design process various properties have been identified for acquisition. The City previously received authority to acquire the needed right of way. Staff has since negotiated a settlement a proposed settlement with the owner. However, the proposed settlement on the Kramer property exceeds the authority provided by the City Council. Specifically, the appraised value (together with the appraisal reimbursement) equals \$5100.00 and the proposed settlement equals \$6,600.00.

Staff would recommend in favor of this settlement to avoid costs associated with condemning the property.



## COUNCIL ACTION REQUESTED:

Authorize the Land Development Manager to complete the acquisition of the needed land rights from Mr Kramer in the amount of \$6,600.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to:

38

# REQUEST FOR COUNCIL ACTION

MEETING

DATE:

02/03/03

39

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-13
ITEM DESCRIPTION: Real Estate – Assessment Reapportionment		PREPARED BY: wf M. Nigbur

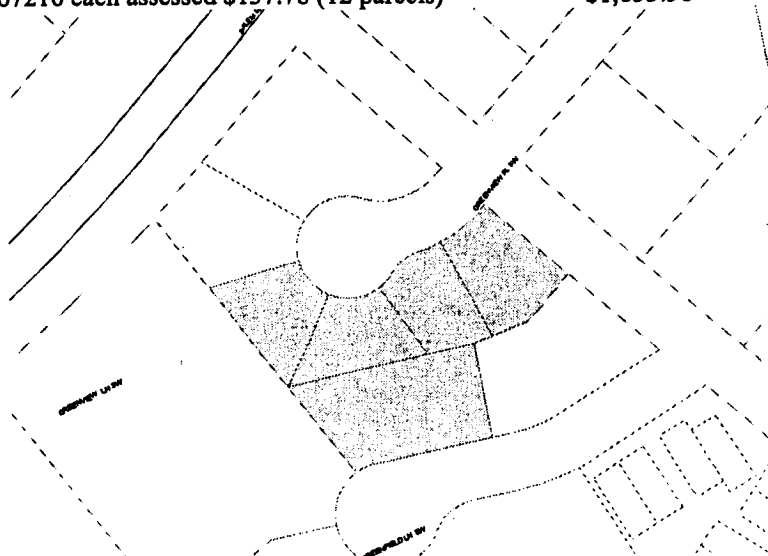
Olmsted County has assigned/reassigned pin numbers for various parcels resulting from annexations, plats, metes & bounds splits and property pin number reassignments. As such the Public Works Department has reviewed these changes on would offer the following recommendations for reapportionment of assessments (pending, deferred, future, & levied) for the affected parcels attached hereto.

The Current Assessment for J9541 Pin # 8859, 8876, 8877, 8878 and 8879 have been reassigned to new Pin#s. High Springs, Inc. was taxpayer of the following list of old Pin#s with dollar amount:

Pin #8859	\$2,523.14
Pin #8876	\$1,368.87
Pin #8877	\$1,402.24
Pin #8878	\$1,340.75
Pin #8879	\$1,653.53

High Springs, Inc. is the taxpayer of the following pin#s with the exception of Pin# 67166, which is owned by Nancy L. Thoreson. The following is a list of new Pin#s with dollar amount:

Pin #67197 thru 67212 each assessed \$157.70 (16 parcels)	=	\$2,523.20
Pin #67165 thru 67172 each assessed \$171.11 (8 parcels)	=	\$1,368.88
Pin #67173 thru 67180 each assessed \$175.28 (8 parcels)	=	\$1,402.24
Pin #67181 thru 67188 each assessed \$167.59 (8 parcels)	=	\$1,340.72
Pin #67189 thru 67196 and		
Pin #67213 thru 67216 each assessed \$137.78 (12 parcels)	=	\$1,653.36



40

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Old Pin # 53525 owned by IBM at 5.35 acres had a dollar amount of \$10,966.59 in **Principle** split into:  
67405 at 0.46 acres new dollar amount is \$10,966.59 which IBM owns and  
67406 at 4.89 acres new dollar amount is \$0.00 which City owns.

Old Pin # 53525 owned by IBM at 5.35 acres had a dollar amount of \$3,678.95 in **Interest** split into:  
67405 at 0.46 acres new dollar amount is \$3,678.95 which IBM owns and  
67406 at 4.89 acres new dollar amount is \$0.00 which City owns.

Old Pin # 53525 owned by IBM at 5.35 acres had a dollar amount of \$38,086.08  
in **Remaining Principle** split into:  
67405 at 0.46 acres new dollar amount is \$38,086.08 which IBM owns and  
67406 at 4.89 acres new dollar amount is \$0.00 which City owns.

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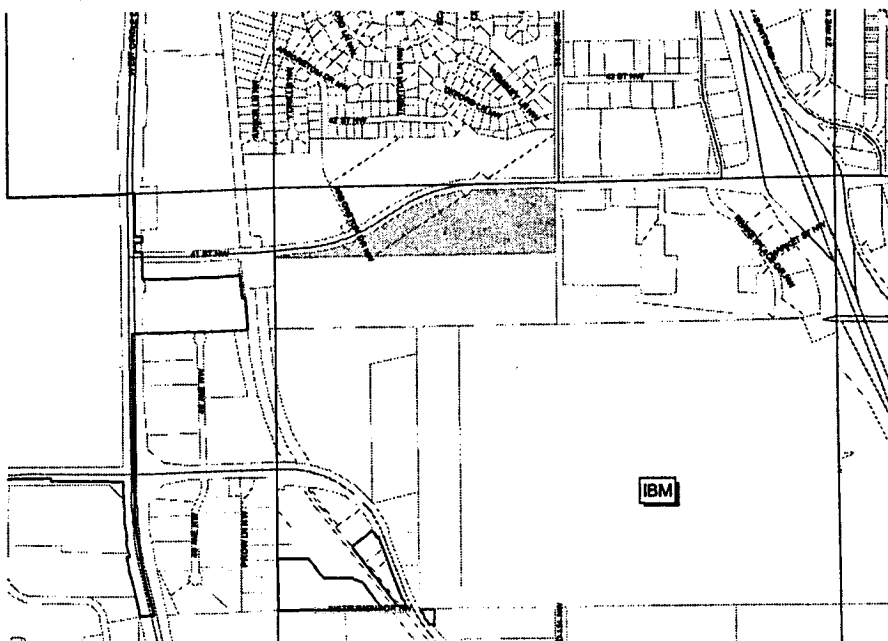
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Old Pin # 53527 owned by IBM at 17.23 acres had a dollar amount of \$3,891.54 in **Principle** split into:  
67403 at 11.66 acres new dollar amount is \$3,891.54 which IBM owns and  
67404 at 5.57 acres new dollar amount is \$0.00 which City owns.

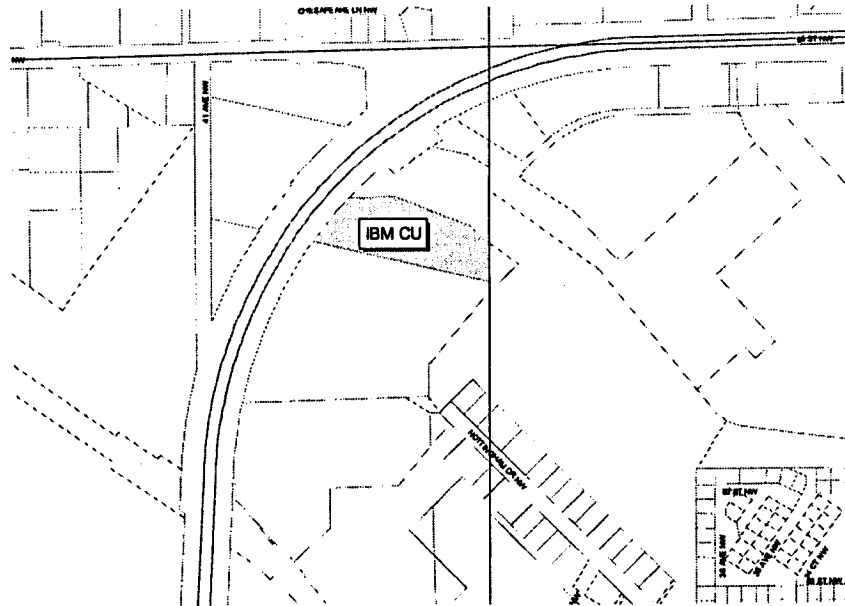
Old Pin # 53527 owned by IBM at 17.23 acres had a dollar amount of \$1,305.50 in **Interest** split into:  
67403 at 11.66 acres new dollar amount is \$1,305.50 which IBM owns and  
67404 at 5.57 acres new dollar amount is \$0.00 which City owns.

Old Pin # 53527 owned by IBM at 17.23 acres had a dollar amount of \$13,515.06 in  
**Remaining Principle** split into:  
67403 at 11.66 acres new dollar amount is \$13,515.06 which IBM owns and  
67404 at 5.57 acres new dollar amount is \$0.00 which City owns.



The Deferred Assessment for J9173 and J9265 Pin # 058090 needs to be deleted as these charges are covered under the City/Owner Contract of Think Plaza Subdivision for IBM Credit Union.. Please delete the following:

Pin #058090	J9173	\$647.29
Pin #058090	J9265	\$1,893.43



**COUNCIL ACTION REQUESTED:**

Adopt a resolution authorizing reapportionment/deletion of assessments associated with the above referenced parcels noted herein. The City Clerk will provide written to these owners of these changes.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to:

42

**REQUEST FOR COUNCIL ACTION**

MEETING

DATE:

43  
2/3/03

<b>AGENDA SECTION:</b> CONSENT AGENDA	<b>ORIGINATING DEPT:</b> Public Works	<b>ITEM NO.</b> D-14
<b>ITEM DESCRIPTION:</b> Feasibility Report and Request for Hearing for: (J9714) Construction of 23rd Ave SW from 2nd St SW to Fox Valley Dr		<b>PREPARED BY:</b> R. Kelm ek wf

This is a Feasibility Report and a request for hearing for the following local improvement project:

**Project Number & Name**

City Project 6323-3-00 (J9714) State number S.A.P. 159-146-01  
"Construction of 23rd Ave SW from 2nd St SW to Fox Valley Dr"

**Project Background**

This project will include new concrete curb & gutter and bituminous pavement in the area from 2nd St SW to Fox Valley Drive SW. A portion of this project will be new construction the remainder will be reconstruction of the existing 23rd Ave street.

This project is included in the 2003 – 2008 Capital Improvement Program, item #13, page 32. The City Council authorized preliminary design of the project January 23, 2001 and final design on November 4, 2002. Public Works held an informational meeting for property owners abutting the project December 12, 2002.

The construction will conform to State Aid standards with a cost estimated of \$1,316,896. Funding for the project will come from Municipal State Aid System (MSAS) funds and from assessments of abutting property owners.

**Estimated Project Costs**

	Feasibility Cost
<b>Construction:</b>	
2200 Bituminous Pavement Rehab	\$681,300.00
8307 Sidewalk	\$58,800.00
Storm Sewer Repairs/Upgrades	\$293,700.00
Watermain Replacement	\$71,000.00
Sanitary Sewer	\$71,000.00
Sub Total	\$1,175,800.00
Engineering, Interest, Contingencies 12%	\$141,096.00
<b>TOTAL</b>	<b>\$1,316,896.00</b>

**Project Cost Distribution**

<b>Distribution:</b>	
Special Assessments - Curb & Gutter	\$48,608.38
Special Assessments - Sidewalk	\$42,874.02
Special Assessments - Storm Sewer	\$37,500.00
Developer Funds	\$325,552.24
City Funds - (Water Utility)	\$79,520.00
City Funds - (MSAS Funds)	\$782,841.35
<b>TOTAL</b>	<b>\$1,316,896.00</b>

<b>Distribution Percentages:</b>	
Special Assessments	34.52%
City Street Share	65.48%

Special Assessments for the street will be assessed at the 2003 rates.

**COUNCIL ACTION REQUESTED:**

1. Adopt a resolution receiving the Feasibility Report.
2. Adopt a resolution ordering a Project Hearing to be held for March 3, 2003.
3. Adopt the resolution ordering the preparation of the Assessment Roll.
4. Adopt the resolution ordering an Assessment Hearing March 3, 2003.

Attach: Feasibility Report

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

44

REPORT ON THE FEASIBILITY OF A PROPOSED LOCAL  
IMPROVEMENT PROJECT FOR:  
CONSTRUCTION OF 23RD AVE SW FROM 2ND ST SW  
TO 3,500 FT SOUTH

January 27, 2003

Honorable Mayor & Common Council  
City of Rochester, Minnesota

This is Feasibility Report for following project: Construction of 23rd Ave SW from 2nd St SW to 3500 ft South. The project was included in the 2003 – 2008 Capital Improvement Program, item #13, page 32.

**Feasibility Report**

We report the project is feasible and recommend its construction in the year 2003 based on the current condition of the street and participation by the abutting property owners.

This project will include new concrete curb & gutter, sidewalk, storm sewer, and bituminous pavement in the area from 2nd St SW to 3,500 ft South. A portion of this project will be new construction the remainder will be reconstruction of the existing 23rd Ave street.

The south end of this project will connect to a new portion of 23<sup>rd</sup> Ave SW being built by the Developer. The Developer's project will extend the avenue to a connection with Fox Valley Drive.

The existing 23<sup>rd</sup> Ave SW from 2<sup>nd</sup> Street SW to Gates Drive was a township gravel road built prior to the 1940-50's. In the last 10-15 years the Township overlaid the gravel roadway with bituminous. The rural bituminous roadway was reconstructed with watermain and sanitary sewer from 2<sup>nd</sup> to 4<sup>th</sup> Street in 1992 and from 4<sup>th</sup> to Gates Drive in 1995 as those sections became annexed into the City.

We recommend that the project be constructed and funded in accordance with the City's Comprehensive Pavement Management Strategy (CPMS). The CPMS is an objective, cost-effective program for the preservation, rehabilitation and reconstruction of the City's infrastructure. The most cost-effective strategy at this time for this street is reconstruction.

A reconstruction project would typically involve the following items of work:

1. Removal of existing roadway and gravel base
2. Construction of new storm sewer
3. Construction of an aggregate foundation for the street
4. Construction of new concrete curb and gutter
5. Surfacing of the entire street with bituminous asphalt
6. Upgrade drive approaches to concrete
7. Construction of 5-foot wide Sidewalk on both sides of street
8. Construct Boulevard areas, placement of top soil and sod

45

This report and the estimated costs for the project are prepared without the benefit of field surveys, soils boring or completed plans and specifications:

	Feasibility Cost
<b>Construction:</b>	
2200 Bituminous Pavement Rehab	\$681,300.00
8307 Sidewalk	\$58,800.00
Storm Sewer Repairs/Upgrades	\$293,700.00
Watermain Replacement	\$71,000.00
Sanitary Sewer	\$71,000.00
Sub Total	\$1,175,800.00
Engineering, Interest, Contingencies 12%	\$141,096.00
<b>TOTAL</b>	<b>\$1,316,896.00</b>

**Assessment Distribution:**

**Frontage:**

The cost of street resurfacing, as established by City Council Policy, for the year 2003 will be used for this project as follows:

Residential Zones ..... \$ 12.16 per assessable foot

Street Resurfacing Rates	2003 ft	ft	Total Cost
Residential Zones	\$12.16	3,997.40	\$48,608.38
Subtotal			\$48,608.38

**Sidewalk:**

The new 5 foot wide sidewalk installed on both sides of the street are assessed by the square foot, based on a 4 foot width and are assessed directly to the abutting property owner at the following rates:

4" Sidewalk .....\$3.00 per square foot

New construction Sidewalks	2003 sq. ft	sq. ft	Total Cost
4" Sidewalk (residential)	\$3.00	14,291.34	\$42,874.02
Subtotal			\$42,874.02

**Storm Sewer:**

In the area where only storm sewer work is being completed, the storm sewer is calculated on a per lot basis. The assessments will be assessed directly to the abutting property owner at the following rates:

Storm Sewer Only .....\$6,250 per Lot

New Construction Storm Sewer	2003 Lot	Lot	Total Cost
Storm Sewer lump sum calculated per lot	\$6,250.00	6.00	\$37,500.00
Subtotal			\$37,500.00

44

**Developer Contribution:**

The developer contributions used for this project are as follows:


Developer New Construction	2003	ft	Total Cost
Thompson Estate = Actual Cost	\$780.00	300.00	\$234,000.00
Michael Young	\$127.08	720.43	\$91,552.24
Subtotal			\$325,552.24

**Project Distribution:**

<b>Distribution:</b>	
Special Assessments - Curb & Gutter	\$48,608.38
Special Assessments - Sidewalk	\$42,874.02
Special Assessments - Storm Sewer	\$37,500.00
Developer Funds	\$325,552.24
City Funds - (Water Utility)	\$79,520.00
City Funds - (MSAS Funds)	\$782,841.35
<b>TOTAL</b>	<b>\$1,316,896.00</b>

<b>Distribution Percentages:</b>	
Special Assessments	34.52%
City Street Share	65.48%
<b>TOTAL</b>	<b>100.0%</b>

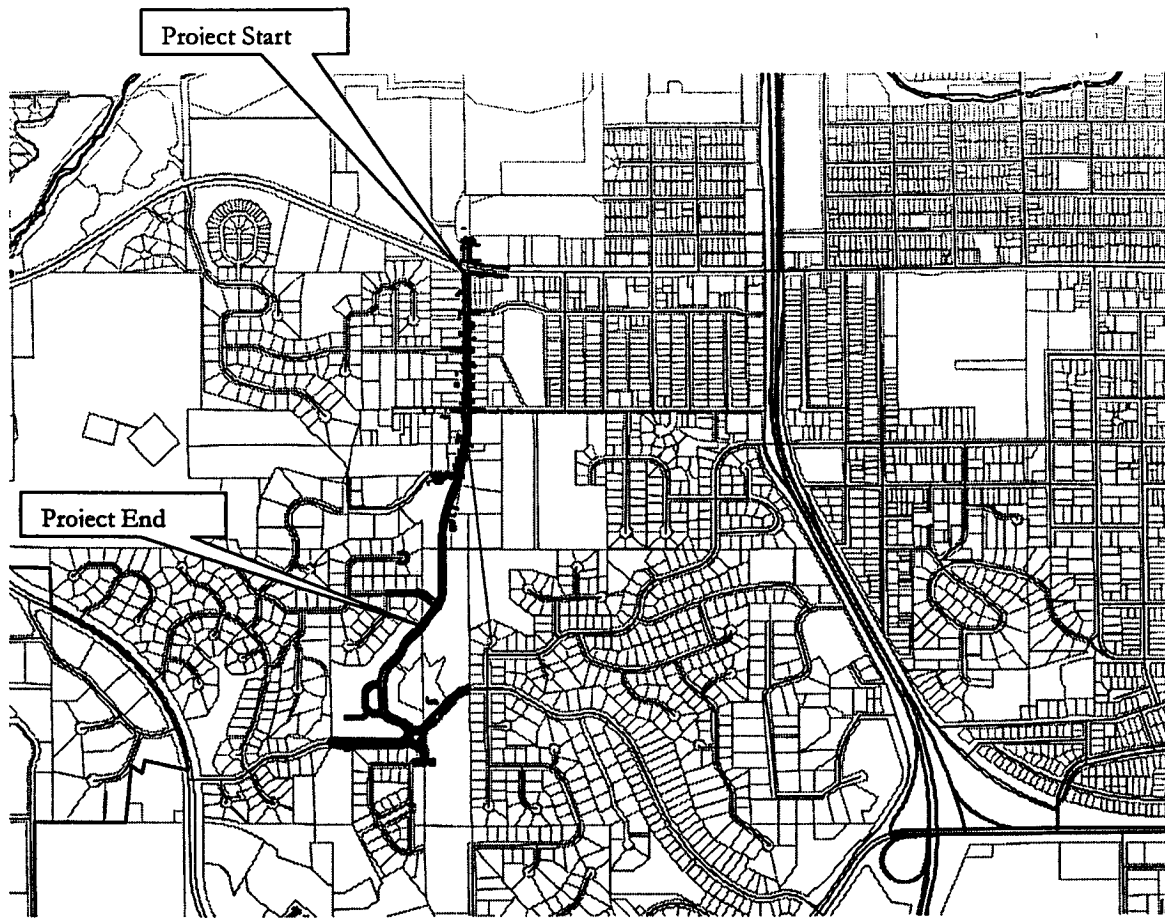
Submitted for your consideration:

  
 Russell Kelm, PE  
 Design Engineer

\_\_\_\_\_  
 Douglas Nelson, PE  
 Engineering Manager

47 -

Construction of 23rd Ave SW from 2nd St SW to Fox Valley Drive SW



BUDGET AND ASSESSMENT SCHEDULE  
FOR CONSTRUCTION CONTRACT

Project No:	6323-3-00	Date:	January 29, 2003
J No:	9714		
Description:	Construction of 23rd Ave SW from 2nd St SW to 3400ft South		

	Feasibility Cost	Engineer Estimate Cost	Contract Cost	Final Cost
<b>Construction:</b>				
2200 Bituminous Pavement Rehab	\$681,300.00			
8307 Sidewalk	\$58,800.00			
Storm Sewer Repairs/Upgrades	\$293,700.00			
Watermain Replacement	\$71,000.00			
Sanitary Sewer	\$71,000.00			
Sub Total	\$1,175,800.00			
Engineering, Interest, Contingencies 12%	\$141,096.00			
<b>TOTAL</b>	<b>\$1,316,896.00</b>			

<b>Distribution:</b>				
Special Assessments - Curb & Gutter	\$48,608.38			
Special Assessments - Sidewalk	\$42,874.02			
Special Assessments - Storm Sewer	\$37,500.00			
Developer Funds	\$325,552.24			
City Funds - (Water Utility)	\$79,520.00			
City Funds - (MSAS Funds)	\$782,841.35			
<b>TOTAL</b>	<b>\$1,316,896.00</b>			

<b>Distribution Percentages:</b>				
Special Assessments	34.52%			
City Street Share	65.48%			
<b>TOTAL</b>	<b>100.0%</b>			

Notes:

Make Initial Disbursement from

P. I. R. Fund

# REQUEST FOR COUNCIL ACTION

MEETING

DATE:

49  
2/3/03**AGENDA SECTION:**

CONSENT AGENDA

**ORIGINATING DEPT:**

Public Works

**ITEM NO.**

D-15

**ITEM DESCRIPTION:**

Award of Contract, Traffic Signal on Country Club Road at new Fire Station #3, J6316

**PREPARED BY:**

D. Kramer DPK

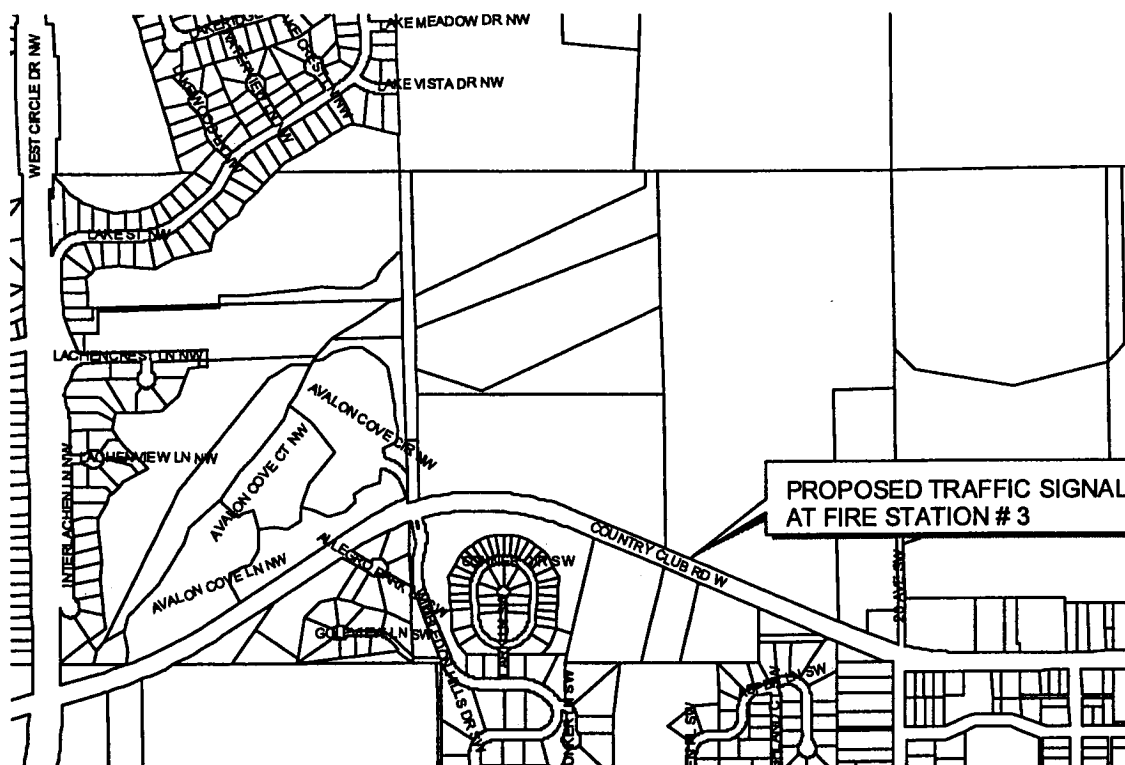
A new traffic signal is proposed on Country Club Road at the entrance to new Fire Station #3. The signal will be actuated from inside the fire station, to allow emergency fire vehicles to more safely and quickly enter Country Club Road.

Bids were received and opened after 11:00 a.m., January 29, 2003 for the Traffic Signal on Country Club Road at new Fire Station # 3, J6316.

The following bids were received:

	Total Bid
1. Bauer Electrotech	\$65,505
2. Winkels Electric	\$74,884

The project is included in the 2003 Capital Improvement Program, page 40, item 5, with a total project budget of \$60,000 funding from Project Reserves. With the cost of city furnished equipment plus design costs added to the low bid, the entire project cost of approximately \$90,000 will exceed the budgeted \$60,000. The total cost of \$90,000 appears reasonable compared to the cost of recent signal projects.

**COUNCIL ACTION REQUESTED:**

If the council wishes to proceed, adopt a resolution awarding the contract, "Traffic Signal on Country Club Road West at new Fire Station #3, J6316" to Bauer Electrotech of Winona, MN, and authorize the Mayor and Clerk to execute the contract.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to:

50



52

**REQUEST FOR COUNCIL ACTION**

MEETING

DATE:

2/3/03

53-

<b>AGENDA SECTION:</b> CONSENT AGENDA	<b>ORIGINATING DEPT:</b> Public Works	<b>ITEM NO.</b> D-17				
<b>ITEM DESCRIPTION:</b> Engineering Service Agreements for Sanitary Sewer and Watermain, J7710 and Storm Water Pond, J4005		<b>PREPARED BY:</b> J. Loehr				
<p>This is a proposal by Bonestroo, Rosene, Anderlik &amp; Associates (BRAA) to provide professional engineering services for Preliminary Project Analysis for the following local improvement projects:</p> <p><b><u>Project No. M2-40, J7710</u></b> "Construct Trunkline Sanitary Sewer and Watermain to Serve Portions of Section 20 in Cascade Township, Sewer Service Area 28E."</p> <p><b><u>Project No. M2-48, J4005</u></b> "Construct Regional Storm Water Pond West of West Circle Drive at 41<sup>st</sup> Street NW, Kr-p2.1a."</p> <p>Project J7710 is included in the 2003-2008 Sewer and Water CIP, page 50, item 15. Project J4005 is included in the 2003-2008 Storm Sewer CIP, page 58, item 4.</p> <p>BRAA is familiar with the City's requirements for the preparation of preliminary project analysis required to design a successful sanitary sewer and watermain extension project, and the design of storm water ponds. Therefore, the Department of Public works recommends that Bonestroo, Rosene, Anderlik &amp; Associates be retained by the City to provide Preliminary Project Analysis for the projects.</p> <p>Compensation for the Preliminary Project Analysis is based on an actual cost and expense fee structure. BRAA estimates that this phase of design for each project is estimated as follows:</p> <table><tr><td>Project J7710</td><td>\$4,537.00</td></tr><tr><td>Project J4005</td><td>\$8,772.00</td></tr></table> <p>After the completion of the Preliminary Project Analysis and selection of design alternates and the scope of the projects is determined, the Department of Public Works will negotiate a Design Engineering Service Agreements with BRAA for the projects. Compensation for Design services is proposed at a "Lump Sum" amount as negotiated for each project. The "Lump Sum" amount will be based on the extent of design engineering services required for each project.</p> <p><b>COUNCIL ACTION REQUESTED:</b></p> <p>1. Adopt a resolution authorizing the execution of Engineering Service Agreements for projects J7710 and J4005 with Bonestroo, Rosene, Anderlik &amp; Associates to provide engineering services as follows:</p> <ul style="list-style-type: none"><li>a. Preliminary Design Analysis (actual cost and expense fee structure).</li><li>b. Design Services ("Lump Sum" as negotiated by the Department of Public Works and approved by the City Administrator).</li></ul> <p>Attachment: Location Map Bonestroo, Rosene, Anderlik &amp; Associates Letter of Proposal</p>			Project J7710	\$4,537.00	Project J4005	\$8,772.00
Project J7710	\$4,537.00					
Project J4005	\$8,772.00					
<b>COUNCIL ACTION:</b> Motion by: _____ Second by: _____ to: _____						

54

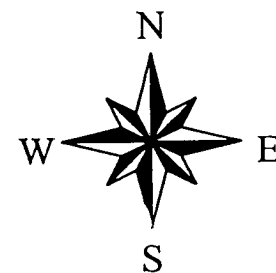
J4005 Storm Water Pond Kr-p2.1a

50th Avenue NW

J7710 Sanitary Sewer & Watermain

West Circle Drive

Valleyhigh Drive NW



# REQUEST FOR COUNCIL ACTION

MEETING

DATE: 2/3/2003

55

AGENDA SECTION: Consent Agenda	ORIGINATING DEPT: Water Reclamation Plant	ITEM NO: D-18
ITEM DESCRIPTION: Voluntary Assessment for TMDL Lawsuit filed by CGMC		PREPARED BY: Lyle J. Zimmerman

In early January 2003 both the City Administration and the Coalition of Greater Minnesota Cities (CGMC) requested that Governor Pawlenty veto amendments to the Water Quality Assessment Rules which were being adopted by the Minnesota Pollution Control Agency. The Governor did not veto the amendments.

These amendments, commonly referred to as the Total Maximum Daily Loads (TMDL) rules may have a very adverse affect on Minnesota cities, businesses and farmers. The Water Quality Assessment Rules will dictate how water bodies are evaluated for impairment for their designated use, and then listing those in need of having TMDL's set for various pollutants. The rules as adopted are flawed and are being challenged by the CGMC through a lawsuit that is being filed on behalf of the member cities. CGMC believes the rules are:

1. Unconstitutionally vague
2. Overbroad
3. Arbitrary and capricious
4. Beyond the MPCA's regulatory authority

Since the rules are so vague it is difficult to anticipate exactly what impact they will have on the City of Rochester and in particular the discharge limits set for the Water Reclamation Plant. One area of particular concern is the amount of phosphorus the WRP may be allowed to discharge. The plant has had a limit of 1.0 mg/l for over 20 years and has been consistently meeting that limit for 15 years. Rochester was one of the first cities in the state to receive a phosphorus limit and many other cities are receiving that limit as their permits are renewed. There is a potential that the new rules, as adopted, may require the WRP to meet an even lower limit. In order to meet a lower limit the plant would be required to construct additional treatment processes which would be very expensive, and there would be a large increase in operational costs. These costs would all be passed on to the users of the WRP with a large portion having to be borne by the industrial users. A phosphorus TMDL may also require the city to adopt measures reducing phosphorus being discharged through storm water runoff.

The CGMC has requested that the member cities contribute to the funds being used to file a lawsuit against the MPCA and the rules as adopted. The voluntary assessment being request of the City of Rochester is \$10,000.

## **Council Action Requested:**

Approval to contribute \$10,000 out of the Sewer Utility Fund to the CGMC for the purpose of filing a lawsuit related to the TMDL rules as adopted.

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ To: \_\_\_\_\_

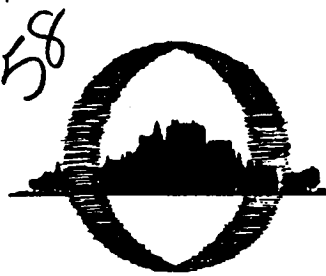
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## REQUEST FOR COUNCIL ACTION

57-  
MEETING

DATE: 2-3-03

AGENDA SECTION: PUBLIC HEARINGS Continued Item	ORIGINATING DEPT: PLANNING	ITEM NO. E-1
ITEM DESCRIPTION: Variance #02-40 by the Kendall Group. The applicant is requesting a variance to the requirements of Chapter 64 of the Rochester Zoning Ordinance and Land Development Manual on access spacing standards in Section 64.143. The property is located east of North Broadway and South of Rocky Creek Drive NE and north and west of 26 <sup>th</sup> Street NE.		PREPARED BY: Brent Svenby, Planner
January 29, 2003		
On January 6, 2003 the Council approved the General Development Plan known as Rocky Creek Townhomes. At the meeting the variance requested by the developer was continued to allow for additional information to be provided. Since that meeting the applicant's consultant has submitted a preliminary site plan for the property.		
<b><u>Council Action Needed:</u></b>		
1. The Council should instruct the City Attorney to prepare a resolution for Council approval either approving or denying the Variance requested based on the findings in Paragraph 60.417		
<b><u>Attachments:</u></b>		
1. Memorandum dated January 29, 2003		
<b><u>Distribution:</u></b>		
1. City Administrator		
2. City Attorney		
3. Planning Department File		
4. Planning Department GIS Division		
5. Applicant: This item will be considered some time after 7:00 p.m. on Monday, February 3, 2003 in the Council/Board Chambers in the Government Center at 151 4th Street SE.		
6. Yaggy Colby Associates		
<b>COUNCIL ACTION:</b> Motion by: _____ Second by: _____ to: _____		



## ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

*Olmsted*

www.olmstedcounty.com/planning



# Memorandum

**TO:** Rochester Common Council

**FROM:** Brent Svenby, Planner

**DATE:** January 29, 2003

**RE:** General Development Plan #193 to be known as Rocky Creek Townhomes and Variance #02-40 by the Kendal Group. The applicant is proposing to develop a 22.86 acres of land with townhomes and uses permitted in the R-3 and R-1X zoning districts. The development would be served by private roadways. The applicant is also requesting approval for a Substantial Land Alteration to permit changing grades by 10 feet or more on the property. The applicant is also requesting a variance to the requirements of Chapter 64 of the Rochester Zoning Ordinance and Land Development Manual on access spacing standards in Section 64.143. The property is located east of North Broadway and South of Rocky Creek Drive NE and north and west of 26<sup>th</sup> Street NE.

On January 6, 2003 the Council approved the General Development Plan known as Rocky Creek Townhomes. At the meeting the variance requested by the developer was continued to allow for additional information to be provided. Since that meeting the applicant's consultant has submitted a preliminary site plan for the property. Keep in mind that the council is not reviewing or approving the preliminary site plan, the only thing that the council is reviewing is the variance request for a substandard access.

When 26<sup>th</sup> Street NE was constructed it was constructed to major local street design standards which it is a 36 foot wide roadway on a 66 foot right-of-way. A major local street is projected to carry an average daily traffic of between 1,500 and 2,000 vehicles. Currently there are 24 townhome units taking access to 26<sup>th</sup> St. NE and 2 single family units. Townhome units are calculated at generating 7.5 trips per unit per day and single family units generate 10 trips per unit per day. Based on those calculations there is currently approximately 200 average daily trips a roadway which is designed to accommodate between 1,500 and 2,000 average daily trips. Using trip modeling software, Charlie Reiter of the Planning Department, estimates that approximately 10 to 12 % of the trips generated by the development would use 26<sup>th</sup> Street NE.

### Variance:

The application also includes a request for a variance to the access spacing requirements for the minimum separation between driveways and intersection streets. The access spacing standards of the Rochester Zoning Ordinance and Land Development Manual,

BUILDING CODE 507/285-8345 • GIS/ADDRESSING/MAPPING 507/285-8232 • HOUSING/HRA 507/285-8224

PLANNING/ZONING 507/285-8232 • WELL/SEPTIC 507/285-8345

FAX 507/287-2275

recycled paper



AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

Section 64.134, requires a minimum separation of 35 feet between driveways and intersecting streets. According to information submitted by the applicant's consultant, the available space between the private drives in the cul-de-sac on each side of the proposed private roadway is 28 feet so a variance of 7 feet is needed on each side of the proposed private roadway.

The City Engineer has reviewed the request for the substandard access and has no objection to permitting the access as shown on the general development plan. The Planning Department also supports the variance request. The substandard access may be granted subject to the variance provisions. Staff suggests the following findings:

**EXTRAORDINARY CONDITIONS:** *There does appear to be extraordinary conditions that apply to the applicant's property that may not apply generally to other properties in the area. The topography is steep and most of the development sits on the top of the hill. With the steep topography only one access roadway is able to be provided to Rocky Creek Drive NE. Furthermore, without an access to 26<sup>th</sup> Street NE development on the property would be limited to 500 average daily trips.*

**REASONABLE USE:** *The granting of the variance request would appear to be necessary to allow the reasonable use of the property. The way the road system is designed it would appear that the access to 26<sup>th</sup> Street NE would act more like a secondary access and that the majority of the traffic would use the access road to Rocky Creek Drive NE.*

**ABSENCE OF DETRIMENT:** *The granting of the variance request would not appear to be materially detrimental to the public welfare or to other properties in the area. Granting of the variance will allow for development of the property consistent with development in the area.*

**MINIMUM VARIANCE:** *The minimum variance that would be necessary to alleviate the alleged hardship would be a variance to the access spacing requirements for the minimum separation between driveways and intersection streets. This finding would not pertain in the case of denial.*

Section 64.146 3)

- a) *Conditions or circumstances exist which limit the strict application of the ordinance, including the lack of a secondary access to another public street, the inability to use joint access, and the lack of engineering or construction solutions that can be applied to mitigate the condition;*
- b) *The proposed access will not result in undue delay or congestion or be detrimental to the safety of motoring public using the roadway; and*
- c) *That limiting access will create an exceptional and undue hardship on the applicant and that the permit issued will allow a reasonable use of the property.*

60

4.146 **Substandard Access:** Where access meeting the spacing guidelines of Section 64.143 or the design objectives of Section 64.144 cannot be provided, the City Engineer shall be guided by the following process in determining whether a substandard access location may be permitted.

- 1) The City Engineer should first determine whether alternate access is available. Alternate access includes;
  - a) access to another street that meets the standards of the ordinance;
  - b) access provided jointly with an adjacent property that will meet the standards of the ordinance
- 2) Where alternate access opportunities are determined not to exist, the City Engineer may grant a reduction in spacing standards.
- 3) If after considering alternatives under (1) and (2) above the City Engineer determines that no feasible alternatives exist, a substandard access permit may be granted only subject to the variance provisions of Section 60.410 and the following findings:
  - a) Conditions or circumstances exist which limit the strict application of the ordinance, including the lack of a secondary access to another public street, the inability to use joint access, and the lack of engineering or construction solutions that can be applied to mitigate the condition;
  - b) The proposed access will not result in undue delay or congestion or be detrimental to the safety of motoring public using the roadway; and
  - c) That limiting access will create an exceptional and undue hardship on the applicant and that the permit issued will allow a reasonable use of the property.
- 4) The applicant agrees to mitigate the negative impacts of proposed substandard access.

60.410 **Findings for Variances:** In taking action on a variance request, the approval authority shall make findings supporting the decision based on the following guidelines:

- 1) The approval authority may grant a variance to the provisions of this ordinance if it finds that:
  - a) there are extraordinary conditions or circumstances, such as irregularity, narrowness, or shallowness of the lot or exceptional topographical or physical conditions which are peculiar to the property and do not apply to other lands within the neighborhood or the same class of zoning district; and
  - b) the variance is necessary to permit the reasonable use of the property involved; and
  - c) the variance will not be materially detrimental to the public welfare or materially injurious to other property in the area, is in harmony with the general purpose and intent of this ordinance, and will not adversely affect implementation of the Comprehensive Plan; and
  - d) the variance as granted is the minimum necessary to provide reasonable economic use of the property.

The extraordinary conditions or circumstances shall be found not to be the result of an action by the applicant or property owners who have control of the property.

In addition, the approval authority shall find that development of the parcel in question cannot be integrated with development of adjacent parcels under the same ownership in such a manner so as to provide for the reasonable economic use of the total site in a manner consistent with the provisions of this ordinance.

61  
**Svenby Brent**

**From:** Mark Engel [Mengel@yaggy.com]  
**Sent:** Monday, January 20, 2003 8:31 AM  
**To:** svenby.brent@co.olmsted.mn.us  
**Cc:** Wade Dumond  
**Subject:** Rocky Creek Townhomes 26th Street NE Access

Mr. Svenby,

Mr. Wade DuMond asked that I provide you with the following information regarding the Rocky Creek Townhomes access on to 26<sup>th</sup> Street NE.

The available space between the private drives in the Cul-De-Sac on 26<sup>th</sup> Street NE is 28' on each side of the proposed private road into the Rocky Creek Townhomes Development.

The proposed Variance needed would be 7' on each side of the he proposed private road into the Rocky Creek Townhomes Development.

Please let me know if there is any additional information I can provide.

Mark Engel  
Yaggy Colby Associates  
(507)288-6464  
[mengel@yca.com](mailto:mengel@yca.com)

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PRELIMINARY PRINT

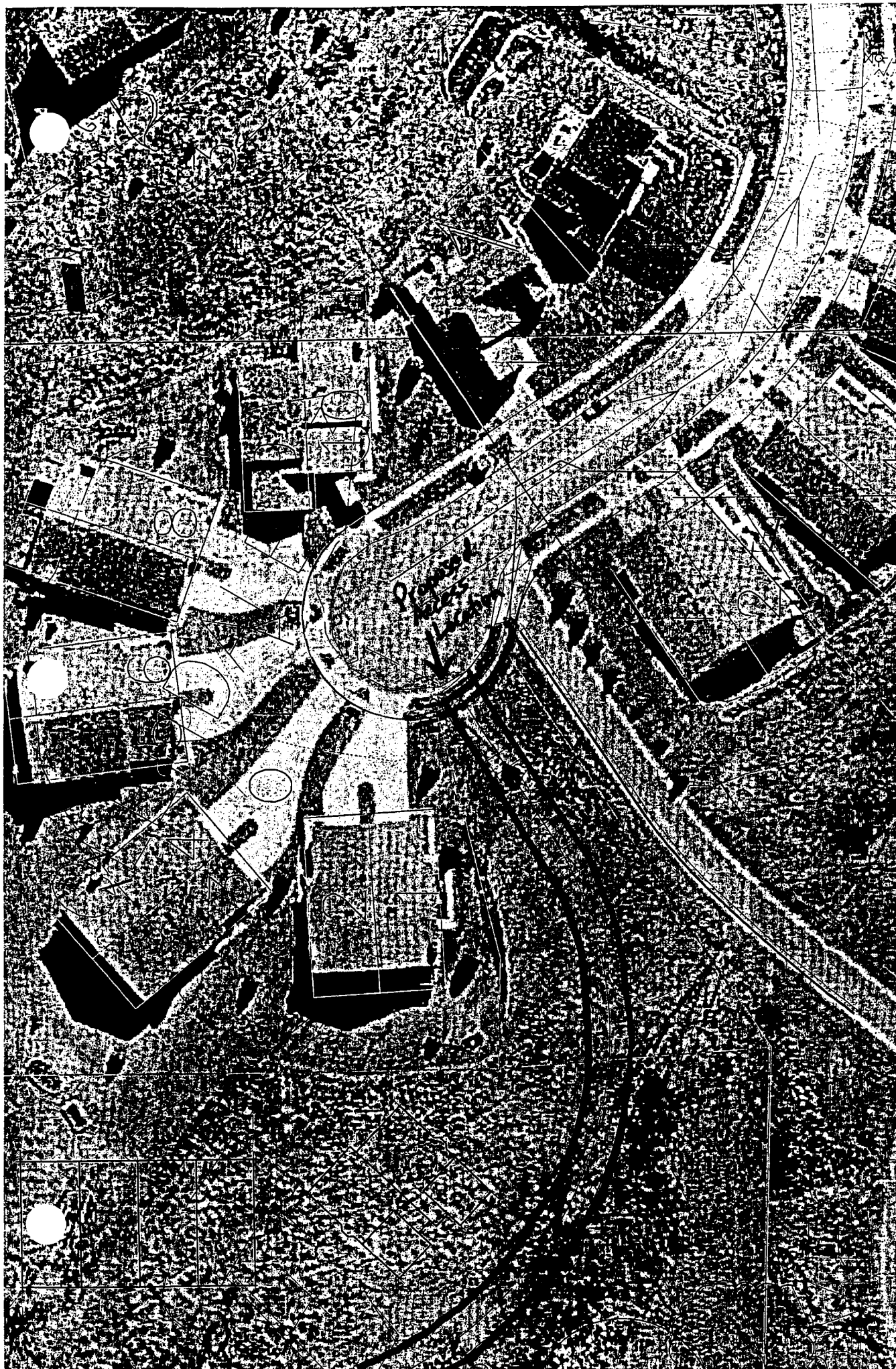
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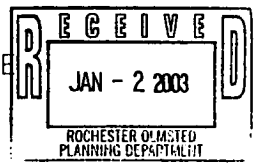
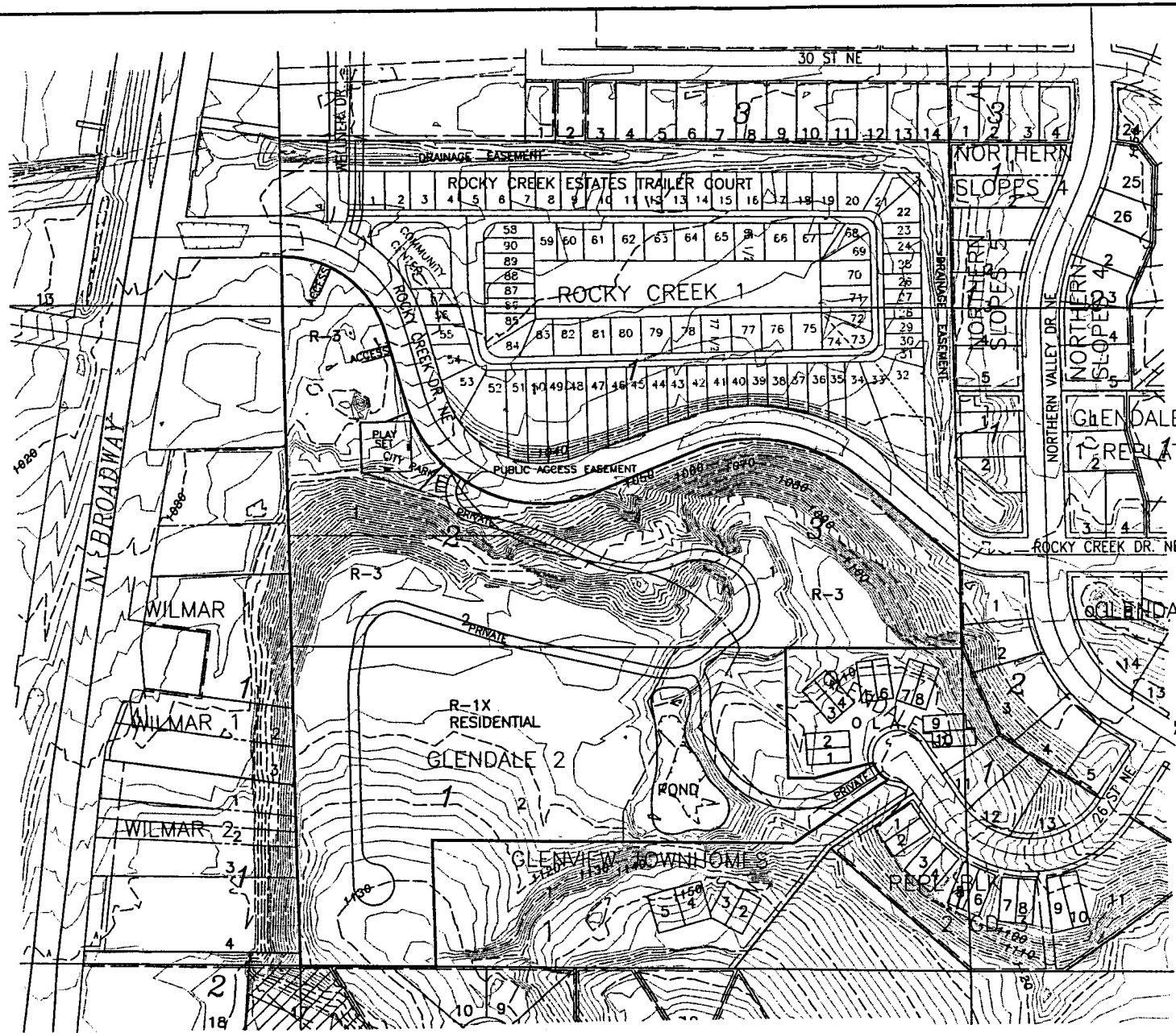


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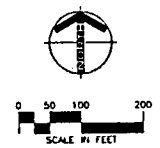
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64



PLEASE SEE CITY OF ROCHESTER ZONING ORDINANCE FOR ALLOWED DENSITIES, INTENSITY AND LAND USES.



REVISED

APPROVED GDP



ENGINEERS • ARCHITECTS  
SURVEYORS • PLANNERS  
LANDSCAPE ARCHITECTS  
212 THIRD AVENUE, SUITE 100  
ROCHESTER, MINNESOTA 55904  
TEL: 337-3884 FAX: 337-3884  
E-MAIL: YAGGY@YAGGY.COM

TYPE NAME HERE  
NUMBER DATE

ROCKY CREEK TOWNHOMES  
ROCHESTER, MINNESOTA  
GENERAL DEVELOPMENT PLAN

PROJECT	7728
DATE	10/28/02
DESIGNED BY	WMT
CHECKED BY	WD
REVISIONS	REVISED 12/30/02
SCALE	1 ONE

# REQUEST FOR COUNCIL ACTION

MEETING

DATE: 02-03-03

65

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-2
ITEM DESCRIPTION: General Development Plan #197 by GP Development Inc. to be known as <i>Fieldstone</i> . The Plan incorporates approximately 146 acres of land to be developed with single family detached dwellings. The plan shows the property being served by both private and public roadways and does provide an area for a public park. The property is located along the west side of 18 <sup>th</sup> Avenue SW, north of the Hart Farm Subdivision and south of Institute Hills.		PREPARED BY: Mitzi A. Baker, Senior Planner

January 22, 2003

NOTE: Applicant's GDP report sent separately to Council. BS

\*\* A REVISED GDP was submitted to the Planning Department on January 23, 2003 to address revisions previously recommended by staff (condition #1) .

At the time the original GDP was submitted and reviewed by staff, staff contacted the consultant to note a concern with the GDP's failure to provide access to an "exception" parcel located in the southeast portion of the property. Upon further consideration Planning recommends that the GDP should be revised to identify public road access to the "exception" parcel. The current roadway alignment results in a residual sliver of land located between the public road and the "exception" parcel. Additionally, the residual parcel does not appear to meet minimum standards for a single family lot. The GDP should be designed to allow for orderly growth and development, and to permit future subdivision of adjacent parcels.

Based on the above, and additional comments submitted by referral agencies, staff recommends modifications to the conditions as shown. Text to be deleted is shown as ~~strike through~~, text to be added is underlined.

## City Planning and Zoning Commission Recommendation:

The Planning and Zoning Commission held a public hearing on this item on January 8, 2003. The Commission recommended approval 7-0, with Ohly abstaining, subject to staff recommended findings and conditions. The following are staff recommended conditions or modifications:

**A REVISED General Development Plan shall be filed with the Planning Department, including the following revisions/modifications:**

- ~~identify the proposed stormwater pond in the NW portion of the property~~
- ~~clarify the ownership of the future private open space by labeling it as "Private Open Space"~~
- ~~show private roads @ 28' width~~
- provide public road access to the exception parcels located north of the existing pond, in the southeast portion of the Development; and to eliminate the residual parcel located between the roadway and "exception" parcel by incorporating a portion of it into the adjacent single family parcel or by realigning the roadway such that it is eliminated entirely.
- ~~minimize the number of cul-de-sac roads by eliminating at least two cul-de-sacs~~
- ~~provide an additional mid-bloc connection between the two cul-de-sacs located east of the open space and north of the east/west roadway connecting to 18<sup>th</sup> Ave. SW, OR connect the two cul-de-sacs to provide a through public road~~
- ~~the throat length of any cul-de-sac shall be a minimum of 50 feet in length.~~

- Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to; substandard street reconstruction charges and Transportation Improvement District charges, stormwater management, park dedication, pedestrian facilities, right-of-way dedication, dedication of controlled access, access and extension of utilities for adjacent properties, phasing of development and contributions for public infrastructure.
- Stormwater management must be provided for this development. A significant portion of this property drains to lands that are not yet within the City corporate limits. On-site stormwater detention will be required for any areas of this development that would otherwise drain to Township lands. A voluntary Stormwater Management Fee will apply to all areas of this proposed development that do not drain to the proposed detention facilities, and are allowed to participate in the City's Storm Water Management Plan.

COUNCIL ACTION: Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to:

4. *At the time of platting, controlled access will be required along the entire frontage of 18<sup>th</sup> Ave. SW, with the exception of approved new public road accesses. Right turn and by-pass lanes will be required in the 18<sup>th</sup> Ave. right-of-way at the public road intersections. In addition, controlled access is required along the entire frontages of the public roadways abutting the portion of the development that is intended to be served with a private road system, with the exception of any approved private road access locations. Additional right-of-way will need to be dedicated at the time of platting to provide an estimated 50 feet from centerline, plus an additional 12 foot wide easement or right-of-way for pedestrian facilities. Dedication of additional right-of-way within the development may be required to accommodate traffic calming measures.*
5. *Pedestrian facilities are required along both sides of all new public roads, including the frontages abutting any publicly dedicated Outlots. In addition, a 10' wide bituminous path is required along the west right-of-way of 18<sup>th</sup> Ave. SW. Mid-block pedestrian connections must also be provided by the developer.*
6. *Parkland dedication shall be met via a combination of land and cash, per the December 27, 2002 memorandum from Rochester Park and Recreation.*
7. *Because on and off site public facilities are currently inadequate to handle the proposed development, the development must be phased-in in a manner consistent with the City's planned infrastructure improvements. Specifically, gravity sanitary sewer is not available to serve the entire property. Further, no other arrangements have been made to ensure that adequate utilities will be available to serve this entire development. Except for Phase I, no development will occur and no further development permit will be issued until the Council determines public facilities are adequate to accommodate this development.*

### **Council Action Needed:**

1. *If the Council wishes to approve the General Development Plan it should instruct the City Attorney to prepare a resolution, with findings, for Council approval.*

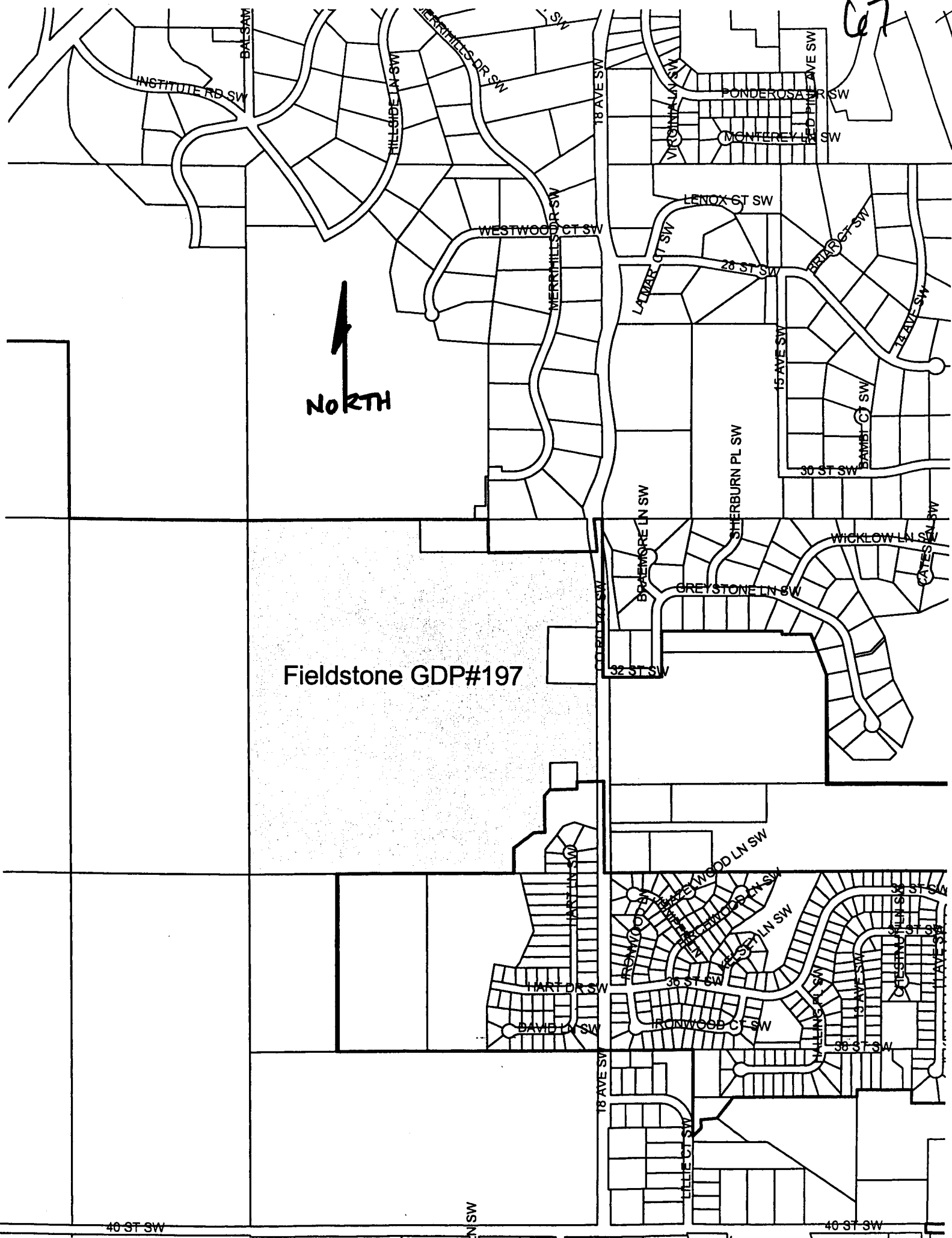
### **Distribution:**

1. City Clerk
2. City Administrator
3. City Attorney
4. Planning Department File
5. Planning Department, GIS Division
6. McGhie & Betts, Inc.
7. Applicant: This item will be considered some time after 7:00 p.m. on Monday February 3, 2003 in the Council / Board Chambers in the Government Center at 151 4th Street SE.

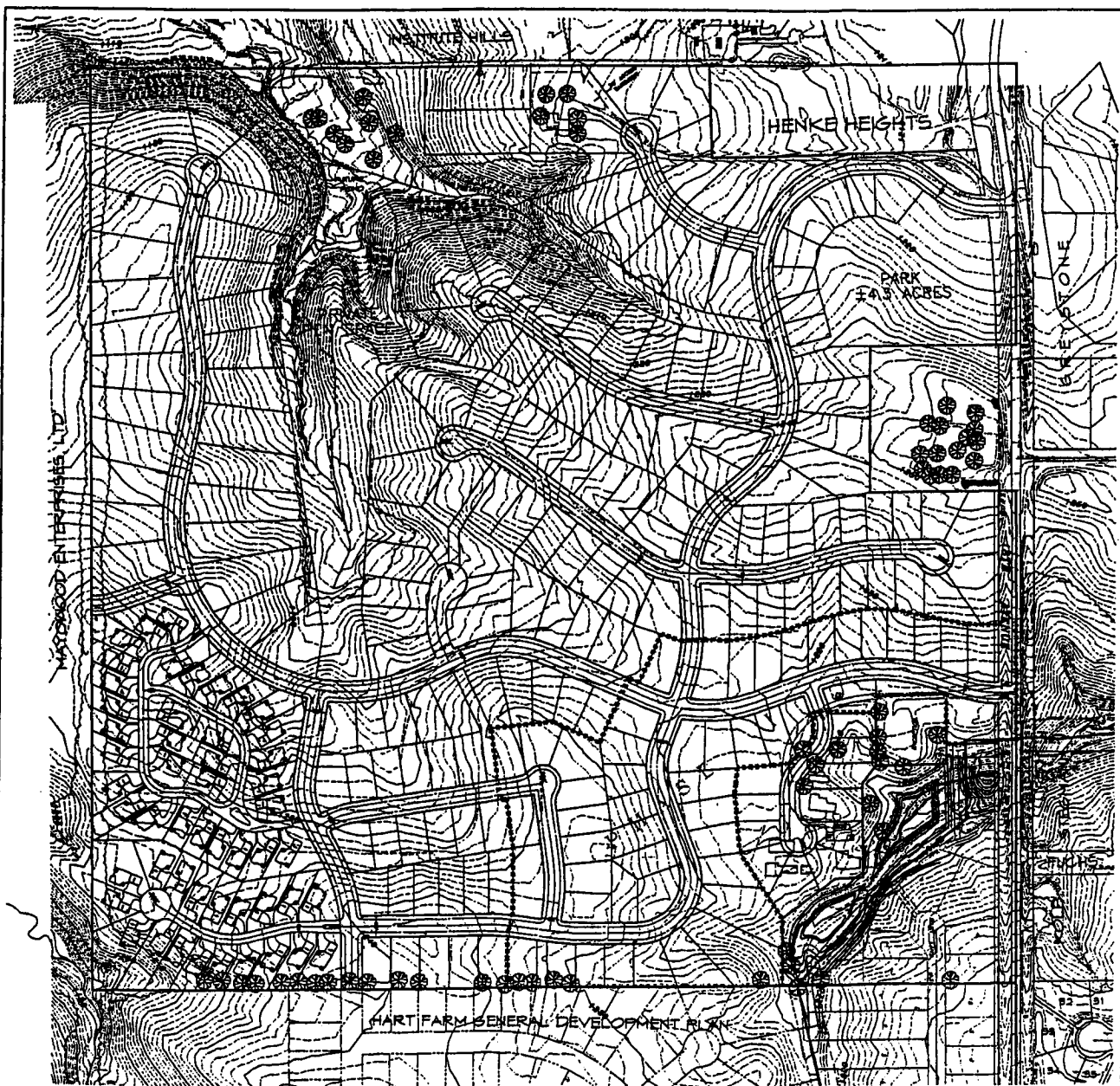
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Fieldstone GDP#197



68



219 SINGLE FAMILY UNITS  
51 PATIO HOMES  
270 TOTAL UNITS



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**FIELDSTONE**  
GENERAL DEVELOPMENT PLAN

REVISED

RECEIVED	JAN 23 2003
	DR. J. M. MASTEN

# ROCHESTER

— Minnesota —

69

TO: Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

DEPARTMENT OF PUBLIC  
WORKS  
201 4<sup>th</sup> Street SE Room 108  
Rochester, MN 55904-3740  
507-287-7800  
FAX – 507-281-6216

FROM: Mark E. Baker

- ~~6. The Owner should limit the number of cul-de-sacs to six (6).~~
- ~~7. It would be beneficial to continue the mid-block path connections.~~
8. Easements for the extension of off site utilities, and for the construction of off site stormwater detention facilities will be required prior to Final Plat submittal.
9. Pedestrian facilities (concrete sidewalk) will be required along both sides of all new public roads abutting this property including the frontages abutting any publicly dedicated Outlots. In addition, a 10 foot wide bituminous path is required along the west ROW of 18<sup>th</sup> Ave SW, as well as, dedication of a Pedestrian Facilities Easement for the required pedestrian path. Furthermore, the developer is obligated to construct any required mid-block pedestrian connections.
10. Specific routing of sanitary sewer and water lines will be reviewed further during the platting stages (Note: Gravity sanitary sewer is not available to serve the entire property).
11. Execution of a City-Owner Contract will be required prior to construction of public infrastructure.
12. Dedication of additional right-of-way may be required to accommodate the construction of traffic calming measures within this development.
13. Ownership and maintenance of the open space areas shall be addressed prior to Final Plat submittal.
- ~~14. The throat length of any cul-de-sacs, shall be a minimum of 50 feet in length.~~

The following charges/fees are applicable for the development of the property (rates are valid through 7/31/03, and subject to annual review and change):

- ❖ Sanitary Sewer Availability Charge (SAC) @ \$2,787.69 per developable acre
- ❖ Water Availability Charge (WAC) @ \$1,790.25 per developable acre.
- ❖ Willow Creek TID#2 (J9846) @ \$2007.14 per gross acre .
- ❖ Storm Water Management - TBD
- ❖ Traffic Signs as determined by the City of Rochester Traffic Division.

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# ROCHESTER

— Minnesota —

TO: Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

DEPARTMENT OF PUBLIC  
WORKS  
201 4<sup>th</sup> Street SE Room 108  
Rochester, MN 55904-3740  
507-287-7800  
FAX - 507-281-6216

FROM: Mark E. Baker

DATE: 12/27/02 COMMENTS ON REVISED APPLICATION 1/30/03

The Department of Public Works has reviewed the **REVISED** application for General Development Plan #197, for the proposed Fieldstone (fka Flagstone) development. The following are Public Works comments on this request from 12/27/02. New comments are shown with **BOLD** while comments that have been addressed, and/or are no longer applicable are shown with ~~STRIKETHROUGH~~:

1. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, substandard street reconstruction charges & Transportation Improvement District charges, stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, dedication of controlled access, utility extension, phasing of development, and contributions for public infrastructure.
2. Storm Water Management must be provided for this development. A significant portion of this property drains to lands that are not yet within the City corporate limits. On-site stormwater detention will be required for any areas of this development that would otherwise drain to Township lands. A voluntary Stormwater Management Fee will apply to all areas of this proposed development that do not drain to the proposed detention facility, and are allowed to participate in the City's Storm Water Management Plan (SWMP).
3. Controlled access will be required along the entire frontage of 18<sup>th</sup> Ave SW, with the exception of the approved new public road accesses. In addition, controlled access is required along the entire frontages of the public roadways abutting the portion of the development that is intended to be served with a private road system, with the exception of any approved private road access locations.
4. There are trip limitations based on initial single accesses that will require phased development of this Property.
5. The Developer shall dedicate the necessary ROW for 18<sup>th</sup> Ave SW (estimated 50 feet from C/L + **slope easements as may be required by Olmsted County**), plus a 12 foot wide easement for pedestrian facilities lying adjacent to the ROW.



*The hand to reach for...*  
**DAVID A. KAPLER**  
Fire Chief

DATE: January 29, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Fire Protection Specialist

SUBJ: General Development Plan #197 Revised  
Flagstone

With regard to the above noted Revised General Development Plan, the fire department has the following requirements:

1. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
2. Cul-de-sacs less than 96 feet in diameter shall be marked "No Parking" around the cul-de-sac. The cul-de-sac on the southwest corner of the property is shown less than 96 feet in diameter. This cul-de-sac shall be marked "No Parking".

c: Donn Richardson, RPU, Water Division

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# ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF  
*Olmsted*

[www.olmstedcounty.com/planning](http://www.olmstedcounty.com/planning)



**TO: City Planning and Zoning Commission**

**FROM: Mitzi A. Baker, Senior Planner**

**DATE: January 2, 2003**

**RE: General Development Plan #197 by GP Development Inc. to be known as Flagstone (to be re-named Fieldstone). The Plan incorporates approximately 146 acres of land to be developed with single family detached dwellings. The plan shows the property being served by both private and public roadways and does provide an area for a public park. The property is located along the west side of 18<sup>th</sup> Avenue SW, north of the Hart Farm Subdivision and south of Institute Hills.**

## **Planning Department Review:**

<b>Applicant/Owner:</b>	GP Development, Inc. 3015 18 <sup>th</sup> Ave SW Rochester, MN 55902
<b>Consultants:</b>	McGhie & Betts, Inc. 1648 Third Ave. SE Rochester, MN 55904
<b>Size and Location:</b>	This GDP includes approximately 146 acres of land located north of Hart Lane SW, south of Institute Hills and west of 18 <sup>th</sup> Ave. SW.
<b>Existing Land Use:</b>	The site is presently undeveloped and has been the site of a farm and farmstead.
<b>Proposed Use:</b>	This GDP proposes approximately 267 single family homes. Most would be served by public roadways, private roadways would serve "patio homes" in the southwest corner of the property. Public parkland and private open space are also planned.
<b>Land Use Plan:</b>	The Rochester Urban Service Area Land Use Plan



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designates this property as suitable for "low density residential uses.

**Zoning:**

Upon annexation, the property will be zoned R-1 (Mixed Single Family Residential).

**Streets:**

This Plan proposes public roadways through most of the development, and includes numerous cul-de-sacs. The southwest corner of the property is proposed to be served with private roadways.

**Sidewalks:**

Sidewalk will be required on both sides of all new public roadways. A pedestrian path is also required along the west side of 18<sup>th</sup> Ave NW.

**Drainage:**

The General Development Plan identifies existing topography. Much of the property drains to the north/northwest. A portion of the property drains to the south. An existing pond, located to the south of the south access to 18<sup>th</sup> Ave. is proposed to be used for part of this development. Storm sewer is proposed to be installed throughout the development. Another detention pond is proposed in the northwest corner of the site, but is not shown on the GDP.

Detailed grading and drainage plans will be required when the property is platted or developed.

**Wetlands:**

According to the Soil Survey, no hydric soils exist on this property. The property owner is, however, responsible for identifying wetlands.

**Public Utilities:**

Utilities will be extended from their present ends. Sanitary sewer is in the southeast corner of the property.

**Parkland Dedication:**

Parkland dedication requirements for this development need to be satisfied via a combination of land and cash. Land dedication should include the 4.3 acre park site shown on the GDP.

**Referral Comments:**

1. Rochester Public Works
2. Rochester Park & Recreation
3. Olmsted County Public Works
4. RPU Water Division
5. Wetlands LGU
6. Qwest
7. MnDOT

**Report Attachments:**

1. Proposed General Development Plan
2. Referral Comments

**Staff Suggested Findings and Recommendation:**

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the criteria for approval of a general development plan. Staff suggested findings are in ***bold italics*** print.

- Criteria A. The proposed land uses are generally in accord with the adopted Comprehensive Plan and zoning map, or that the means for reconciling any differences have been addressed. A GDP may be processed simultaneously with a rezoning or plan amendment request.

***The Rochester Urban Service Area Land Use Plan identifies this property for "low density residential "uses. This GDP proposes a low density residential development.***

- Criteria B. The proposed development, including its lot sizes, density, access and circulation are compatible with the existing and/or permissible future use of adjacent property.

***Proposed lot sized, and density appear consistent with the land use designation. Revisions to access and circulation patters should be considered, including: developing private roadways in the southwest corner of the property as 28' wide roads to permit on-street parking; and minimizing the number of cul-de-sacs. This Plan does identify public road access to the adjacent parcel to the west. Utilities will also need to be provided to the abutting properties.***

***At the time of platting, controlled access will be required along the entire frontage of 18<sup>th</sup> Ave. SW, except where public roads are identified.***

- Criteria C. The mix of housing is consistent with adopted Land Use and Housing Plans.

***The only mix of housing proposed within this development is to construct "patio homes" on private roadways in the southwest corner of the development. The majority of the property would accommodate single family homes on public roadways.***

- Criteria D. The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-Year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses shown in the adopted Land Use Plan for the subject and adjacent properties.

***Additional right-of-way will need to be dedicated for 18<sup>th</sup> Ave. SW, with additional right-of-way or easements to be dedicated for pedestrian facilities. Right-turn and by-pass lanes will be required within the 18<sup>th</sup> Ave. right-of-way at the public streets. It does not appear as though this development is impacted by Official Street Maps or other planned road improvements.***

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Criteria E. On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.

1. Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system without creating safety hazards, generating auto stacking that blocks driveways or intersections, or disrupting traffic flow on any street, as identified in the traffic impact report, if required by Section 61.523(C). Capacity from improvements in the first 3 years of the 6-year CIP shall be included in the assessment of adequacy.

***Additional right-of-way will need to be dedicated for 18<sup>th</sup> Ave. SW, with additional right-of-way or easements to be dedicated for pedestrian facilities. Right-turn and by-pass lanes will be required within the 18<sup>th</sup> Ave. right-of-way at the public streets. It does not appear as though this development is impacted by Official Street Maps or other planned road improvements.***

***Proposed lot sized, and density appear consistent with the land use designation. Revisions to access and circulation patters should be considered, including: developing private roadways in the southwest corner of the property as 28' wide roads to permit on-street parking; and minimizing the number of cul-de-sacs. This Plan does identify public road access to the adjacent parcel to the west. Utilities will also need to be provided to the abutting properties.***

***This development will need to be phased to comply with Section 64.127.***

2. Utilities are now available to directly serve the area of the proposed land use, or that the City of Rochester is planning for the extension of utilities to serve the area of the proposed development and such utilities are in the first three years of the City's current 6-Year Capital Improvements Program, or that other arrangements (contractual, development agreement, performance bond, etc.) have been made to ensure that adequate utilities will be available concurrently with development. If needed utilities will not be available concurrent with the proposed development, the applicant for the development approval shall stipulate to a condition that no development will occur and no further development permit will be issued until concurrency has been evidenced.

***Watermain will need to be extended from the east side of 18<sup>th</sup> Ave. SW and will need to be looped through the development. Sanitary sewer is available at the southeast corner of the property. Utilities will need to be extended to serve adjacent properties. Stormwater pipe is proposed to be installed throughout the development to collect surface water and direct it to stormwater ponds. One pond***

***exists in the southeast corner of the development. Another pond is proposed in the northwest portion of the property. The Plan will need to be revised to identify the future location of this pond.***

3. The adequacy of other public facilities shall be based on the level of service standards in Section 64.130 and the proposed phasing plan for development.

***Sidewalk will be required on both sides of all new public roadways. A pedestrian path will be required along the west side of 18<sup>th</sup> Ave. SW, and mid-block connections will also need to be constructed by the developer.***

***A 4.3 acre public park is planned in the northeast corner of the site. Parkland dedication for this development will need to be met via a combination of land and cash.***

- Criteria F. The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that, at the time of land subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.

***Stormwater pipe is proposed to be installed throughout the development to collect surface water and direct it to stormwater ponds. One pond exists in the southeast corner of the development. Another pond is proposed in the northwest portion of the property. The Plan will need to be revised to identify the future location of this pond.***

- Criteria G. The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.

***Proposed lot sized, and density appear consistent with the land use designation. Revisions to access and circulation patterns should be considered, including: developing private roadways in the southwest corner of the property as 28' wide roads to permit on-street parking and minimizing the number of cul-de-sacs. This Plan does identify public road access to the adjacent parcel to the west. Utilities will also need to be provided to the abutting properties.***

### **Recommendation:**

***Staff recommends approval subject to the following conditions and/or modifications:***

1. ***A REVISED General Development Plan shall be filed with the Planning Department, including the following revisions/modifications:***
  - a) ***identify the proposed stormwater pond in the NW portion of the property***

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- b) *clarify the ownership of the future private open space by labeling it as " Private Open Space"*
  - c) *show private roads @ 28' width*
  - d) *provide access to exception parcels*
  - e) *minimize the number of cul-de-sac roads by eliminating at least two cul-de-sacs*
  - f) *provide an additional mid-bloc connection between the two cul-de-sac's located east of the open space and north of the east/west roadway connecting to 18<sup>th</sup> Ave. SW, OR connect the two cul-de-sacs to provide a through public road*
  - g) *the throat length of any cul-de-sac shall be a minimum of 50 feet in length.*
- 2. *Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to; substandard street reconstruction charges and Transportation Improvement District charges, stormwater management, park dedication, pedestrian facilities, right-of-way dedication, dedication of controlled access, access and extension of utilities for adjacent properties, phasing of development and contributions for public infrastructure.*
- 3. *Stormwater management must be provided for this development. A significant portion of this property drains to lands that are not yet within the City corporate limits. On-site stormwater detention will be required for any areas of this development that would otherwise drain to Township lands. A voluntary Stormwater Management Fee will apply to all areas of this proposed development that do not drain to the proposed detention facilities, and are allowed to participate in the City's Storm Water Management Plan.*
- 4. *At the time of platting, controlled access will be required along the entire frontage of 18<sup>th</sup> Ave. SW, with the exception of the approved new public road accesses. Right turn and by-pass lanes will be required in the 18<sup>th</sup> Ave. right-of-way at the public road intersections. In addition, controlled access is required along the entire frontages of the public roadways abutting the portion of the development that is intended to be served with a private road system, with the exception of any approved private road access locations. Additional right-of-way will need to be dedicated at the time of platting to provide an estimated 50 feet from centerline, plus an additional 12 foot wide easement or right-of-way for pedestrian facilities. Dedication of additional right-of-way within the development may be required to accommodate traffic calming measures.*
- 5. *Pedestrian facilities are required along both sides of all new public roads, including the frontages abutting any publicly dedicated Outlots. In addition, a 10' wide bituminous path is required along the west right-of-way of 18<sup>th</sup> Ave. SW. Mid-block pedestrian connections must also be provided by the developer.*
- 6. *Parkland dedication shall be met via a combination of land and cash, per the December 27, 2002 memorandum from Rochester Park and Recreation.*

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# ROCHESTER

— Minnesota —

TO: Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

DEPARTMENT OF PUBLIC  
WORKS  
201 4<sup>th</sup> Street SE Room 108  
Rochester, MN 55904-3740  
507-287-7800  
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 12/27/02

The Department of Public Works has reviewed the application for General Development Plan #197, for the proposed Flagstone development. The following are Public Works comments on this request:

1. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, substandard street reconstruction charges & Transportation Improvement District charges, stormwater management, park dedication, traffic improvements, pedestrian facilities, right-of-way dedication, dedication of controlled access, utility extension, phasing of development, and contributions for public infrastructure.
2. Storm Water Management must be provided for this development. A significant portion of this property drains to lands that are not yet within the City corporate limits. On-site stormwater detention will be required for any areas of this development that would otherwise drain to Township lands. A voluntary Stormwater Management Fee will apply to all areas of this proposed development that do not drain to the proposed detention facility, and are allowed to participate in the City's Storm Water Management Plan (SWMP).
3. Controlled access will be required along the entire frontage of 18<sup>th</sup> Ave SW, with the exception of the approved new public road accesses. In addition, controlled access is required along the entire frontages of the public roadways abutting the portion of the development that is intended to be served with a private road system, with the exception of any approved private road access locations.
4. There are trip limitations based on initial single accesses that will require phased development of this Property.
5. The Developer shall dedicate the necessary ROW for 18<sup>th</sup> Ave SW (estimated 50 feet from C/L), plus a 12 foot wide easement for pedestrian facilities lying adjacent to the ROW.

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# ROCHESTER

— Minnesota —

TO: Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

DEPARTMENT OF PUBLIC  
WORKS  
201 4<sup>th</sup> Street SE Room 108  
Rochester, MN 55904-3740  
507-287-7800  
FAX – 507-281-6216

FROM: Mark E. Baker

6. The Owner should limit the number of cul-de-sacs to six (6).
7. It would be beneficial to continue the mid-block path connections.
8. Easements for the extension of off site utilities, and for the construction of off site stormwater detention facilities will be required prior to Final Plat submittal.
9. Pedestrian facilities (concrete sidewalk) will be required along both sides of all new public roads abutting this property including the frontages abutting any publicly dedicated Outlots. In addition, a 10 foot wide bituminous path is required along the west ROW of 18<sup>th</sup> Ave SW, as well as, dedication of a Pedestrian Facilities Easement for the required pedestrian path. Furthermore, the developer is obligated to construct any required mid-block pedestrian connections.
10. Specific routing of sanitary sewer and water lines will be reviewed further during the platting stages.
11. Execution of a City-Owner Contract will be required prior to construction of public infrastructure.
12. Dedication of additional right-of-way may be required to accommodate the construction of traffic calming measures within this development.
13. Ownership and maintenance of the open space areas shall be addressed prior to Final Plat submittal.
14. The throat length of any cul-de-sacs, shall be a minimum of 50 feet in length.

The following charges/fees are applicable for the development of the property (rates are valid through 7/31/02, and subject to annual review and change):

- ❖ Sanitary Sewer Availability Charge (SAC) @ \$2,787.69 per developable acre
- ❖ Water Availability Charge (WAC) @ \$1,790.25 per developable acre.
- ❖ Willow Creek TID#2 (J9846) @ \$2007.14 per gross acre .
- ❖ Storm Water Management - TBD
- ❖ Traffic Signs as determined by the City of Rochester Traffic Division.



## ROCHESTER PARK AND RECREATION DEPARTMENT

December 27, 2002

TO: Jennifer Garness  
Planning

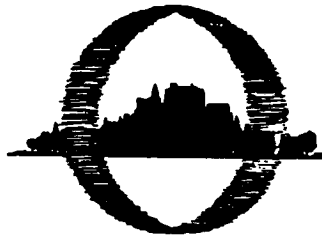
RE: Flagstone General Development Plan #197

The development will have a parkland dedication requirement of  $\pm 6.0$  acres. The Park Department recommends that the dedication be in the form of a combination of land and cash in lieu of land.

The 4.3 acre park site will qualify as meeting partial dedication requirement once the site is graded to meet dedication standards.

The ownership and intent of the configuration of the outlot in the NW portion of the development is unclear.

201 FOURTH STREET SE  
ROOM 150  
ROCHESTER MINNESOTA 55904-3769  
TELE 507-281-6164  
FAX 507-281-6165  
DSTOTZ@CI.ROCHESTER.MN.US



COUNTY OF  
*Olmsted*

81 ✓  
PUBLIC WORKS DEPARTMENT  
2122 CAMPUS DR SE - SUITE 200  
ROCHESTER MN 55904-4744  
www.olmstedpublicworks.com  
507.285.8231

December 18, 2002

Jennifer Garness  
Planning Department

Dear Jennifer:

The Public Works Department has reviewed the General Development Plan #197 and has the following comment:

- ***Access control will be required along Co Rd 147 (18<sup>th</sup> Ave NW).***
- ***Right turn lane and by-pass lane will be required at public streets.***
- ***Access to residence at Henke Heights shall be moved from Co Rd 147 to Flagstone interior street.***

Sincerely,

Michael Sheehan  
County Engineer

MTS/ss



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AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

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December 19, 2002

Rochester-Olmsted  
CONSOLIDATED PLANNING DEPARTMENT  
2122 Campus Drive SE  
Rochester, MN 55904-7996

REFERENCE: General Development Plan #197 by GP Development, Inc. to be known as Flagstone.

Dear Ms. Garness:

Our review of the referenced general development plan is complete and our comments follow:

1. The property may be subject to the water availability fee, connection fees or assessments. The Land Development Manager (507-281-6198) at the Public Works Department determines the applicability of these fees.
2. This property is within the Southwest High Level Water System area, which is available on the east side of 18<sup>th</sup> Ave. SW.
3. Static water pressures within this area will range from 50 PSI to 80 PSI depending on final elevations.
4. The water main in the cul-de-sac streets must be looped and water mains must be extended to adjacent properties per our requirements.
5. We will work with the applicant's engineering firm to develop the necessary water system layout to serve this area.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson  
Water

C: Doug Rovang, RPU  
Mike Engle, RPU  
Mark Baker, City Public Works  
Vance Swisher, Fire Prevention  
Gale Mount, Building & Safety  
McGhie & Betts, Inc.  
GP Development, Inc.

**WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS**

**Application Number: GDP #197 by GP Development Inc.**

- ☒ No hydric soils exist on the site based on the Soil Survey
- ☐ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☐ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☐ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☐ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☒ Other or Explanation:

**The property owner is responsible for identifying wetlands.**

ROCHESTER-OLMSTED PLANNING DEPARTMENT  
2122 CAMPUS DRIVE SE - SUITE 100  
ROCHESTER, MN 55904  
PHONE (507) 285-8232  
FAX (507) 287-2275

Date: December 12, 2002  
To: Agencies Indicated Below  
From: Jennifer Garness, Planning Department  
Subject: General Development Plan #197 by GP Development Inc. to be known as Flagstone. The Plan incorporates approximately 146 acres of land to be developed with single family detached dwellings. The plan shows the property being served by both private and public roadways and does provide an area for a public park. The property is located along the west side of 18<sup>th</sup> Avenue SW, north of the Hart Farm Subdivision and south of Institute Hills.

This application is scheduled for consideration by the City Planning and Zoning Commission on January 8, 2003, in the Council/Board Chambers of the Government Center, 151 4<sup>th</sup> Street SE. In order for the Planning Department to prepare a thorough review of this application, we would appreciate receiving your comments by December 27, 2002. You may also appear at the meeting if you so desire. Your cooperation and assistance is greatly appreciated. *If you have comments, in addition to forwarding them to the Planning Department, please send a copy to:*

GP Development, Inc.  
3015 18<sup>th</sup> Avenue SW  
Rochester, MN 55902  
(507) 282-5985

McGhie & Betts, Inc.  
1648 Third Avenue SE  
Rochester, MN 55904  
(507) 289-3919

<u>City Agencies</u>	<u>County Agencies</u>	<u>Other Agencies</u>
1. Public Works Richard Freese	14. Health Department Rich Peter	18. School Board Jeff Kappers
2. Fire Department Lyle Felsch	15. Public Works	19. Aquila Neal Clausen
3. Crime Prevention Darrel Hildebrant, Gov. Center	16. GIS Division Randy Growden	20. Aquila Rory Lenton
4. Crime Prevention Steve Woslager	17. Environmental Resource Services	21. Qwest Julie Schletty
5. RPU Operations Division Mike Engle	<i>Qwest will request 10' utility easement Val McBee 285-3634</i>	22. Charter Communications
6. RPU Water Division Donn Richardson		23. MN DOT Dale Maul
7. Park & Recreation Denny Stolz		24. Post Office Supervisor
8. Building Safety Ron Boose		25. MN DNR Bob Bezek
9. City Attorney Dave Goslee		26. SWCD
10. Downtown Dev. Dist. Doug Knott		27. Peoples Coop Rick Wellik
11. City Administration Terry Spaeth		28. Peoples Coop Sandy Sturgis
12. Transportation Planner Charlie Reiter		29. CUDE, Design Review Committee Christine Schultze
13. John Harford, Planning Dept.		30. Susan Waughtal Neighborhood Organizer



Minnesota Department of Transportation

Minnesota Department of Transportation - District 6

Mail Stop 060  
2900 48<sup>th</sup> Street N.W.  
Rochester, MN 55901-5848

Office Tel: 507-280-2913

Fax: 507-285-7355

E-mail: dale.maul@dot.state.mn.us

December 23, 2002

Jennifer Garness  
Rochester-Olmsted Planning Department  
2122 Campus Drive SE – Suite 100  
Rochester, MN 55904

**RE: General Development Plan #197 by GP Development Inc. to be known as Flagstone. The Plan incorporates apprx 146 acres of land to be developed with single family detached dwellings. The property is located along the west side of 18<sup>th</sup> Avenue SW.**

**General Development Plan #196 by Bamber Valley Development to be known as Bamber Valley Estates. The Plat incorporates apprx 59.13 acres of land to be developed with single family detached dwellings. The property is located along the north side of Salem Road SE.**


Dear Ms. Garness:

Thank you for the opportunity to review the above proposed single family detached dwellings. Mn/DOT requests the City of Rochester monitor the traffic impacts from these proposals for both City and Mn/DOT roadways.

You may contact Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777 with any questions you have.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dale E. Maul'.

 Dale E. Maul  
Planning Director

Mr. Varsoke stated that he could not see the well house from his property.

With no one else wishing to be heard, Mr. Staver closed the public hearing.

Ms. Wiesner moved to recommend approval of Type III, Phase III Change in Use of a Nonconforming Use Permit #02-61 by John Case with staff-recommended conditions. Ms. Petersson seconded the motion. The motion carried 8-0.

**CONDITIONS:**

1. Signage for the business shall be consistent with the signage allowed for an office use in the R-1 zoning district.
2. The applicant shall execute a Utility Connection Agreement with the City of Rochester Public Works Department. The Connection Agreement shall include the Owner's obligations related to substandard street reconstruction charges and pedestrian facilities along the entire frontage of the property abutting 55<sup>th</sup> Street NW.
3. Any outside storage of vehicles and/or equipment or supplies associated with the proposed use of this property, must be stored within a completely enclosed area with solid screening. The area delineated on the site plan adjacent to the well house shall be used, unless materials or equipment being stored raise concerns with contaminating the well. In that case, staff may approve another location with similar setbacks and screening.

General Development Plan #196 by Bamber Valley Development to be known as Bamber Valley Estates. The Plan incorporates approximately 59.13 acres of land to be developed with single family detached dwellings. The plan shows the property being served by both private and public roadways and a 7.09 acre private lake. The property is located along the north side of Salem Road SE and along the east side of Westhill Drive SE.

Mr. Staver explained that the applicant requested that item be continued to January 22, 2003.

Ms. Petersson moved to continue General Development Plan #196 by Bamber Valley Development to be known as Bamber Valley Estates to January 22, 2003. Ms. Rivas seconded the motion. The motion carried 8-0.

General Development Plan #197 by GP Development Inc. to be known as Fieldstone (formerly known as Flagstone). The Plan incorporates approximately 146 acres of land to be developed with single family detached dwellings. The plan shows the property being served by both private and public roadways and does provide an area for a public park. The property is located along the west side of 18<sup>th</sup> Avenue SW, north of the Hart Farm Subdivision and south of Institute Hills.

Ms. Mitzi A. Baker presented the staff report, dated January 2, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Rivas asked what the length of the cul-de-sac going to the west was, and what the maximum limit was.

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Ms. Baker responded that there weren't any specific length standards, but rather standards for the maximum amount of trips generated on an ending roadway.

Mr. Staver asked what the trip generation threshold was before adding a second access.

Ms. Baker responded 1,200 trips.

Discussion ensued regarding reduction of cul-de-sacs in the development.

Mr. Josh Johnson, of McGhie and Betts, Inc. addressed the Commission. He explained that GP Development consisted of Gene Peters. He explained that they had gone through several layouts and designs for the property. He explained that the goal in the design was to eliminate grading through drainage channels as much as possible. He stated that they wanted to preserve slopes and trees and tried to match the Hart Farm development style.

Mr. Johnson stated that he met with public agencies regarding 18<sup>th</sup> Avenue SW. He indicated that Mike Sheehan had approved access locations within the development where located.

Mr. Johnson explained that Public Works requested to reduce the number of cul-de-sacs to 6 and that the Rochester-Olmsted Planning Department recommends reducing the amount of cul-de-sacs to 8. He explained that he was not comfortable with reducing the amount of cul-de-sacs to 6 due to change in grading and loss of integrity in making those connections. He stated that they would look into pedestrian connections. He stated that the applicant would agree to reduce the amount of cul-de-sacs to 8, as recommended by the Rochester-Olmsted Planning Department staff.

Mr. Johnson explained that another benefit of having the amount of cul-de-sacs they proposed was due to phasing the development.

Ms. Rivas asked if a substantial land alteration permit would be needed if they removed too many cul-de-sacs.

Mr. Johnson responded possibly.

Ms. Rivas commented that the Fire Department did not make any comments with regard to the amount of cul-de-sacs. She asked the applicant if he would agree to reduce the amount of cul-de-sacs to 8.

The applicant, Mr. Gene Peters, of 3015 18<sup>th</sup> Avenue SW, Rochester MN, addressed the Commission. He responded he would agree to have at least 8 cul-de-sacs.

Discussion ensued regarding the amount of cul-de-sacs that should be allowed in the development.

Ms. Wiesner asked if the cul-de-sacs meet the turning radius standards for emergency vehicles.

Mr. Johnson responded yes. He explained that they have increased the size to have parking on one side.

Discussion ensued regarding phasing the development.

Mr. Haeussinger asked how many phases of the development could be served on the drainage basin attached to the Hartman Farm development.

Mr. Johnson discussed levels of phasing and showed the areas on the map.

Mr. Bill Tointon, of McGhie and Betts, Inc., stated that the stormwater management pond was sized appropriately for the area.

Mr. Haeussinger extensively discussed problems of stormwater ponds and the dangers of the way they are constructed.

Ms. Baker asked that, if the Commission had specific concerns with stormwater pond construction standards, they should draft a letter of their concerns and forward them to Public Works and the City Council. She explained that the Commission could not subject one development to different policies than apply to other developments.

Mr. Phil Green, of 3401 18<sup>th</sup> Avenue SW, Rochester MN, addressed the Commission. He expressed concern with the expense of connecting to city services. He stated that he had a large lot and that it does not fit in with the sizes of the other lots. He expressed concern that his lot will not have access to streets. He explained that 18<sup>th</sup> Avenue SW is a busy road, which is by his driveway.

Ms. Baker stated that it might be advantageous for Mr. Green to contact Public Works regarding the cost and timing requirements. She stated that she did not think the property would be annexed until he wanted it to be or it was completely surrounded. She also suggested that he speak with Mike Sheehan, County Engineer, regarding access on 18<sup>th</sup> Avenue SW.

Discussion ensued regarding opportunities for applicant for land swapping.

Mr. Peters explained that access would be provided to Mr. Green.

Ms. Sue Suter, of 3245 18<sup>th</sup> Avenue SW, Rochester MN, addressed the Commission. She expressed concern with traffic, considering all the new development in the area. She asked what she had to do to get a signal light put at an intersection.

Ms. Baker responded that there are certain levels of traffic that have to be met and spacing standards to rationalize a signal light. She suggested that Ms. Suter contact Charlie Reiter of the Rochester-Olmsted Planning Department, or Mike Sheehan, of the County Public Works Department.

Ms. Suter questioned if busses would go through the cul-de-sacs. Also, she questioned if the County Road would be taken over by the City.

Ms. Baker responded that she believed that school buses would go through the development. She indicated that she was unsure about the City Bus Line. She stated that she was unsure whether the City would obtain the roadway. She explained that it was something that was negotiated between the City and County.

Mr. Peters stated that there has been an ongoing discussion regarding 18<sup>th</sup> Avenue SW and what other roads in the County the City should take over. He stated that he was unsure when

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it would occur. However, it is his understanding that the County was looking at resurfacing the road next year.

With no one else wishing to be heard, Mr. Staver closed the public hearing.

Ms. Rivas moved to recommend approval of General Development Plan #197 by GP Development Inc. to be known as Fieldstone (formerly known as Flagstone) with the staff-recommended conditions and findings. Ms. Petersson seconded the motion. The motion carried 7-0, with Mr. Ohly abstaining.

**CONDITIONS:**

1. A REVISED General Development Plan shall be filed with the Planning Department, including the following revisions/modifications:
  - a) identify the proposed stormwater pond in the NW portion of the property
  - b) clarify the ownership of the future private open space by labeling it as " Private Open Space"
  - c) show private roads @ 28' width
  - d) provide access to exception parcels
  - e) minimize the number of cul-de-sac roads by eliminating at least two cul-de-sacs
  - f) provide an additional mid-bloc connection between the two cul-de-sac's located east of the open space and north of the east/west roadway connecting to 18<sup>th</sup> Ave. SW, OR connect the two cul-de-sacs to provide a through public road
  - g) the throat length of any cul-de-sac shall be a minimum of 50 feet in length.
2. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to; substandard street reconstruction charges and Transportation Improvement District charges, stormwater management, park dedication, pedestrian facilities, right-of-way dedication, dedication of controlled access, access and extension of utilities for adjacent properties, phasing of development and contributions for public infrastructure.
3. Stormwater management must be provided for this development. A significant portion of this property drains to lands that are not yet within the City corporate limits. On-site stormwater detention will be required for any areas of this development that would otherwise drain to Township lands. A voluntary Stormwater Management Fee will apply to all areas of this proposed development that do not drain to the proposed detention facilities, and are allowed to participate in the City's Storm Water Management Plan.
4. At the time of platting, controlled access will be required along the entire frontage of 18<sup>th</sup> Ave. SW, with the exception of the approved new public road accesses. Right turn and by-pass lanes will be required in the 18<sup>th</sup> Ave. right-of-way at the public road intersections. In addition, controlled access is required along the entire frontages of the public roadways abutting the portion of the development that is intended to be served with a private road system, with the exception of any approved private road

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access locations. Additional right-of-way will need to be dedicated at the time of platting to provide an estimated 50 feet from centerline, plus an additional 12 foot wide easement or right-of-way for pedestrian facilities. Dedication of additional right-of-way within the development may be required to accommodate traffic calming measures.

5. Pedestrian facilities are required along both sides of all new public roads, including the frontages abutting any publicly dedicated Outlots. In addition, a 10' wide bituminous path is required along the west right-of-way of 18<sup>th</sup> Ave. SW. Mid-block pedestrian connections must also be provided by the developer.
6. Parkland dedication shall be met via a combination of land and cash, per the December 27, 2002 memorandum from Rochester Park and Recreation.

**OTHER BUSINESS:**

**1. As may be brought up with members**

Mr. Staver explained that this was his last meeting as the Chair. He stated that Ms. Wiesner would assume the Chair position at the next meeting.

Mr. Staver stated that one thing he wanted to see happen in 2003 is a stormwater management plan.

Mr. Staver stated that, rather than having legal counsel at the Commission's meetings, he would rather have representation from the City Public Works Department. He strongly urged City Administration and Public Works to have representation at the Commission's meetings.

**ADJOURN:**

Motion made by Ms. Petersson to adjourn, seconded by Ms. Wiesner. Mr. Staver, Chair, adjourned the meeting at 9:38 p.m.

Respectfully Submitted:

\_\_\_\_\_  
Philip H. Wheeler, AICP

\_\_\_\_\_  
Ms. Lisa Wiesner, Chair

jlg

## REQUEST FOR COUNCIL ACTION

MEETING  
DATE: 02-03-03

91-

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. <b>E-3</b>
ITEM DESCRIPTION: Final Plat #02-38 to be known as New River Subdivision. The Plat proposes to re-subdivide Outlot A, Sheehusen Industrial Park, into three lots and also proposed to dedicate right-of-way for a cul-de-sac bulb. The property is located north of TH 14, west of West Circle Drive at the westerly extent of the north frontage road.		PREPARED BY: Theresa Fogarty, Planner

January 28, 2003

### Planning Department Review:

See attached staff report dated January 28, 2003, recommending approval subject to the following modifications / conditions:

1. *In the event there is a need to work within Mn/DOT's right-of-way a permit approved by the MN Department of Transportation shall be required.*

### Council Action Needed:

1. *A resolution approving the plat can be adopted.*

### Distribution:

1. City Administrator
2. City Clerk
3. City Attorney
4. Planning Department File
5. Planning Department, GIS Division
6. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, February 3, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
7. GGG Engineering, Inc.

COUNCIL ACTION: Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

# NEW RIVER SUBDIVISION

## Instrument of Dedication

KNOW ALL MEN BY THESE PRESENTS: That New River Fellowship, a Non-Profit Corporation, owners and proprietors of the following described property in the City of Rochester, State of Minnesota, is wit:

OUTLOT A, SEEHUSEN INDUSTRIAL PARK, ACCORDING TO THE RECORDED PLAT THEREOF ON FILE IN THE OFFICE OF THE OLAMSTED COUNTY RECORDER, OLAMSTED COUNTY, MINNESOTA, CONTAINING 8.08 ACRES.

Have caused the same to be surveyed and plotted as NEW RIVER SUBDIVISION and do hereby donate and dedicate to the public for the public use forever the thoroughfare, cul-de-sac, and for drainage and utility purposes only the easements as shown on this plat.

In witness whereof said New River Fellowship, a Non-Profit Corporation, have caused these presents to be signed by its proper officer this \_\_\_\_ day of \_\_\_\_ 20\_\_

Todd Fiedler - Title: President

STATE OF MINNESOTA

COUNTY OF \_\_\_\_  
The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_ 20\_\_ by Todd Fiedler, President of New River Fellowship Non-Profit Corporation, on behalf of the corporation.

Notary Public, \_\_\_\_ County, Minnesota  
My Commission expires: \_\_\_\_

## SURVEYOR'S CERTIFICATE

I hereby certify that I have surveyed and plotted the property described on this plat as NEW RIVER SUBDIVISION, that this plat is a correct representation of the survey, that all distances are correctly shown on the plat in feet and hundredths of a foot, that all monuments have been correctly placed in the ground as shown, that the outside boundary lines are correctly designated on the plat and that there are no wetlands as defined in MS 505.02, Subd 1, or public highways to be designated other than as shown.

Geoffrey G. Griffin, Land Surveyor  
Minnesota Registration No. 21840

STATE OF MINNESOTA

COUNTY OF \_\_\_\_  
The foregoing Surveyor's Certificate was acknowledged before me this \_\_\_\_ day of \_\_\_\_ 20\_\_ by Geoffrey G. Griffin, Minnesota Registration No. 21840

Notary Public, \_\_\_\_ County, Minnesota

My commission expires: \_\_\_\_

KNOW ALL MEN BY THESE PRESENTS: That Home Federal Savings Bank, a federally chartered stock savings bank organized under the laws of the United States of America, holder of a mortgage on the above described property hereby consents to the plat described herein.

Home Federal Savings Bank

By \_\_\_\_ Title: Vice President  
Carla J. Klapotnick

State of Minnesota  
County of Olmsted

On \_\_\_\_ 20\_\_, before me, a Notary Public with and for said County, personally appeared Carla J. Klapotnick to me personally known, who, being by me duly sworn did say that he/she is Vice President of Home Federal Savings Bank, and that said instrument was signed on behalf of Home Federal Savings Bank, and acknowledged said instrument to be the free act and deed of said Bank.

Notary Public, \_\_\_\_ County, Minnesota

## COUNTY SURVEYOR

I certify that this plat has been checked mathematically and that the plat conforms to the applicable laws, this \_\_\_\_ day of \_\_\_\_ 20\_\_

Olmsted County Surveyor

## PROPERTY RECORDS AND LICENSING

Taxes payable in the year 20\_\_ on the land herein described have been paid, there are no delinquent taxes and transfer has been entered this \_\_\_\_ day of \_\_\_\_ 20\_\_

DOCUMENT NUMBER \_\_\_\_

I hereby certify that this instrument was filed in the Office of Property Records and Licensing for the record on this \_\_\_\_ day of \_\_\_\_ 20\_\_ at \_\_\_\_ o'clock \_\_\_\_ M., and was duly recorded in the Olmsted County records.

Director of Property Records & Licensing

Deputy

## CITY APPROVAL

State of Minnesota  
County of Olmsted  
City of Rochester

I, Judy K. Scherr, in and for the City of Rochester, do hereby certify that on the \_\_\_\_ day of \_\_\_\_ 20\_\_ the accompanying plat was duly approved by the Common Council of the City of Rochester. In testimony thereof I have hereunto signed by name and affixed the seal of said City of Rochester this \_\_\_\_ day of \_\_\_\_ 20\_\_

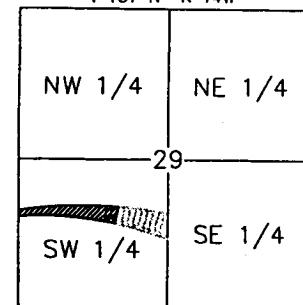
Judy K. Scherr, City Clerk

LINE	LENGTH	BEARING
L1	36.00'	89°47'47"E
L2	36.16'	89°50'47"E
L3	36.32'	89°53'47"E
L4	36.48'	89°56'47"E
L5	36.64'	89°59'47"E
L6	36.80'	90°02'47"E
L7	36.96'	90°05'47"E
L8	37.12'	90°08'47"E
L9	37.28'	90°11'47"E
L10	37.44'	90°14'47"E
L11	37.60'	90°17'47"E
L12	37.76'	90°20'47"E
L13	37.92'	90°23'47"E
L14	38.08'	90°26'47"E
L15	38.24'	90°29'47"E
L16	38.40'	90°32'47"E
L17	38.56'	90°35'47"E

CHORD	ARC	ANGLE	CHORD	ARC	ANGLE
C1	16.48'	89°47'47"E	C17	16.48'	89°47'47"E
C2	16.64'	89°50'47"E	C18	16.64'	89°50'47"E
C3	16.80'	89°53'47"E	C19	16.80'	89°53'47"E
C4	16.96'	89°56'47"E	C20	16.96'	89°56'47"E
C5	17.12'	89°59'47"E	C21	17.12'	89°59'47"E
C6	17.28'	90°02'47"E	C22	17.28'	90°02'47"E
C7	17.44'	90°05'47"E	C23	17.44'	90°05'47"E
C8	17.60'	90°08'47"E	C24	17.60'	90°08'47"E
C9	17.76'	90°11'47"E	C25	17.76'	90°11'47"E
C10	17.92'	90°14'47"E	C26	17.92'	90°14'47"E
C11	18.08'	90°17'47"E	C27	18.08'	90°17'47"E
C12	18.24'	90°20'47"E	C28	18.24'	90°20'47"E
C13	18.40'	90°23'47"E	C29	18.40'	90°23'47"E
C14	18.56'	90°26'47"E	C30	18.56'	90°26'47"E
C15	18.72'	90°29'47"E	C31	18.72'	90°29'47"E
C16	18.88'	90°32'47"E	C32	18.88'	90°32'47"E

## VICINITY MAP

T 107 N R 14W



"NOT TO SCALE"

## DRAINAGE EASEMENT DEFINED

AN UNOBSTRUCTED EASEMENT FOR THE OPERATION AND MAINTENANCE OF ALL WATERWAYS, BOTH SURFACE AND UNDERGROUND RUNNING OVER, UNDER AND ACROSS SAID EASEMENT.

## UTILITY EASEMENT

AN UNOBSTRUCTED EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF ALL NECESSARY UNDERGROUND OR SURFACE PUBLIC UTILITIES INCLUDING THE RIGHT TO CONDUCT DRAINAGE AND TRIMMING ON SAID EASEMENT.

## BEARINGS

ALL BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 29 TOWNSHIP 107 N, RANGE 14 W WHICH IS ASSUMED TO BEAR NORTH.

## CONTROLLED ACCESS DEFINED

INGRESS AND EGRESS TO, FROM OR ACROSS THE ADJUTING ROADWAY IS RESTRICTED BY THE ROAD AUTHORITY PURSUANT TO MINNESOTA STATE STATUTE 160.08.

U.E. UTILITY EASEMENT

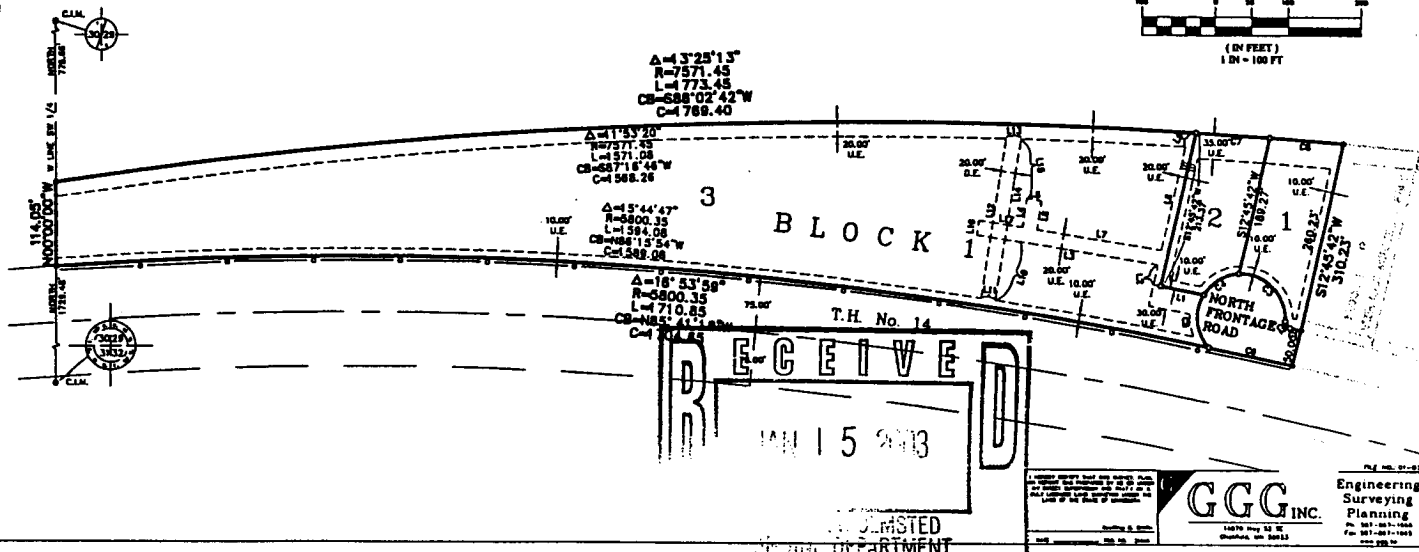
D.E. DRAINAGE EASEMENT

CONTROLLED ACCESS

IRON PIPE WITH PLASTIC CAP  
STAMPED R.L.S.#21840 SET

FOUND MONUMENT

GRAPHIC SCALE



93-

RIVER

100' WIDE  
TOMAH PL NW  
ASHLAND PL NW  
ASHLAND LN NW  
KENOSH LN NW  
MINNTHS LN NW  
ASHKOSH LN NW  
MINNTHS LN NW

Final Plat #02-38  
New River Subd  
800' Notification Distance  
Ward 2 Marcoux  
01/17/03

19 ST NW  
19 ST NW

THWY 14  
THWY 14

N FRIG  
N FRIG RD

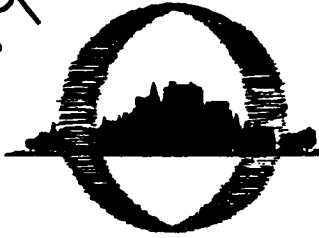
CHELSEA LN NW  
CHELSEA LN NW

7 ST NW  
7 ST NW

COVENTRY LN NW  
COVENTRY LN NW

11 CT NW  
11 CT NW  
10 ST NW  
OPAL LN NW  
OPAL LN NW  
VALLEY DR NW  
VALLEY DR NW  
SALLEY LN NW  
SALLEY LN NW  
GEM LN NW  
GEM LN NW  
RUBY LN NW  
RUBY LN NW  
EMERALD LN NW  
EMERALD LN NW  
46 AVE NW  
46 AVE NW  
DIAMOND RIDGE LN NW  
DIAMOND RIDGE LN NW  
24 AVE NW  
24 AVE NW  
10 ST NW  
10 ST NW  
9 ST NW  
9 ST NW  
VALLEY DR NW  
VALLEY DR NW  
8 ST NW  
8 ST NW  
8 ST NW  
8 ST NW  
11 CT NW  
11 CT NW  
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94



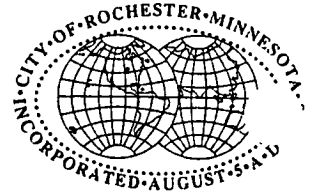
# ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

*Olmsted*

[www.olmstedcounty.com/planning](http://www.olmstedcounty.com/planning)



**TO: City Planning and Zoning Commission**

**FROM: Theresa Fogarty, Planner**

**DATE: January 28, 2003**

**RE: Final Plat #02-38 to be known as New River Subdivision. The Plat proposes to re-subdivide Outlot A, Sheehusen Industrial Park, into three lots and also proposes to dedicate right-of-way for a cul-de-sac bulb. The property is located north of TH 14, west of West Circle Drive at the westerly extent of the north frontage road.**

## **Planning Department Review:**

**Applicant/Owner:** AB Systems, Inc.  
209 Woodlake Drive SE  
Rochester, MN 55904

**Surveyors/Engineers:** GGG, Inc.  
14070 Highway 52 SE  
Chatfield, MN 55923

**Referral Comments:** Rochester Public Works Department  
Rochester Public Utilities – Water Department  
MN Department of Transportation  
Planning Department - John Harford, Wetlands Representative

**Report Attachments:**

1. Referral Comments (4 letters)
2. Location Map
3. Copy of Final Plat

## **Development Review:**

**Location of Property:** The property is located north of T.H. 14 West, south of the railroad tracks and at the westerly end of the North Frontage Road.

**Zoning:** The property is currently zoned M-2 (Industrial) district on the City of Rochester Zoning Map.

**Proposed Development:** This development (Outlot A, Seehusen Industrial Park) consists of 8.08 acres of land to be subdivided into 3 lots for development.



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**Roadways:**

This plat proposes to dedicate right-of-way for one new roadway.

This roadway is labeled "North Frontage Road" and is designed as a cul-de-sac according to City standards.

This platting is acceptable with the MN Department of Transportation (Mn/DOT) providing any work will be outside of Mn/DOT's right-of-way. In the event there is a need to work within Mn/DOT's right-of-way a permit will be needed.

**Pedestrian Facilities:**

The requirement of Pedestrian Facilities is addressed within the executed Development Agreement.

In addition, Pedestrian facilities for the development of each lot will be determined at the time of Site Development Plan Review.

**Drainage:**

Grading and drainage plans have been approved by the City Public Works Department.

Stormwater Management has been addressed in the executed Development Agreement.

**Wetlands:**

Minnesota Statutes now requires that all developments be reviewed for the presence of wetlands or hydric soils. The site was studied for wetlands and hydric soils do exist. A Wetland Exemption has been approved for the portion of the property proposed for site improvements.

**Public Utilities:**

Final Utility Plans have been approved.

**Parkland Dedication:**

No parkland dedication is required for this plat.

**General Development Plan:**

There is no General Development Plan for this plat.

**Preliminary Plat:**

A preliminary plat for this area was approved by the Council on October 7, 2002. The approval of the preliminary plat was subject to five (5) conditions: The conditions are listed below:

**1. The Plat shall be revised:**

**a. Identifying the "Proposed Ditch" indicated on the plat as a drainage easement.**

**2. The Developer shall provide a concrete sidewalk along the frontage of the North Frontage Road within this development, and along the entire frontage of T.H. 14, or alternatively execute a Pedestrian Facilities Agreement to address its obligations.**

3. ***Dedication of parkland shall be handled in the form outlined in the August 22, 2002 Memorandum from the Rochester Park and Recreation Department.***
4. ***Storm Water Management must be provided, and a Storm Water Management fee shall apply, for the benefit of participation in the City's Storm Water Management Plan (SWMP), for any areas of this development that do not drain to the privately constructed on-site detention facilities.***
5. ***The Developer shall enter into a Development Agreement with the City of Rochester, prior to Final Plat submittal, to address in part, the developers responsibility for roadway improvements that are needed as a result of the proposed development, and associated traffic, as well as, access control, stormwater management, park dedication, pedestrian facilities, right-of-way dedication, contributions for public infrastructure and the developers obligation to extend sanitary sewer and watermain to the westerly extend of Outlot 'A'.***

**Final Plat - Planning Staff Review and Recommendation:**

The Developer has executed a Development Agreement with the City for this Plat. Therefore, staff would recommend approval subject to the following conditions or modifications:

1. ***In the event there is a need to work within Mn/DOT's right-of-way a permit approved by the MN Department of Transportation shall be required.***

**Reminder to Applicant:**

- **Prior to development, the property owner will need to execute a City / Owner Contract for construction of all public infrastructure and utilities to serve this subdivision.**

# ROCHESTER

— Minnesota —

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TO: Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

DEPARTMENT OF PUBLIC  
WORKS  
201 4<sup>th</sup> Street SE Room 108  
Rochester, MN 55904-3740  
507-287-7800  
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 1/27/03

The Department of Public Works has reviewed the application for a Final Plat #02-38 on the New River Subdivision (replat of Outlot A, Seehusen Industrial Park). The following are Public Works comments on this request:

1. A Development Agreement has been executed for this Property.
2. Execution of a City / Owner Contract will be required prior to construction of public infrastructure.

Development charges for Sewer Availability (SAC) have been paid for this Property. Remaining Development Charge and fees applicable to the development of the property are addressed in the Development Agreement, and include (rates valid 8/1/02 through 7/31/03):

- ❖ Water Availability Charge (WAC) @ \$1790.25 per developable acre.
- ❖ Storm Water Management Fee – To Be Determined, for all areas of the development where on-site detention is not provided.



January 28, 2003

Rochester-Olmsted  
CONSOLIDATED PLANNING DEPARTMENT  
2122 Campus Drive SE  
Rochester, MN 55904-7996

REFERENCE: Final Plat #02-38 to be known as New River Subdivision.

Dear Ms. Garness:

Our review of the referenced final plat is complete and we have no objections.  
The final utility plans have been approved.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson  
Water

C: Doug Rovang, RPU  
Mike Engle, RPU  
Mark Baker, City Public Works  
Vance Swisher, Fire Prevention

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Minnesota Department of Transportation

Minnesota Department of Transportation - District 6

Mail Stop 060  
2900 48<sup>th</sup> Street N.W.  
Rochester, MN 55901-5848

Office Tel: 507-280-2913  
Fax: 507-285-7355  
E-mail: dale.maul@dot.state.mn.us

January 27, 2003

Jennifer Garness  
Rochester – Olmsted Planning Department  
2122 Campus Drive SE – Suite 100  
Rochester, MN 55904

**RE: Final Plat #02-38 to be known as New River Subdivision. The Plat proposes to re-subdivide Outlot A, Seehusen Industrial Park, into three lots and also proposes to dedicate right-of-way for a cul-de-sac bulb.**

Dear Ms. Garness:

Thank you for the opportunity to review the Final Plat #02-38 to be known as New River Subdivision. Please refer to comments sent in the August 30, 2002, letter as Mn/DOT's response to the Final Platting. (Attachment)

Questions may be directed to Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777.

Sincerely,

A handwritten signature in cursive script that reads 'Dale E. Maul'.

Dale E. Maul  
Planning Director

Attachment

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Minnesota Department of Transportation

Minnesota Department of Transportation - District 6

Mail Stop 060

2900 48<sup>th</sup> Street N.W.

Rochester, MN 55901-5848

Office Tel: 507-280-2913

Fax: 507-285-7355

E-mail: dale.maul@dot.state.mn.us

August 30, 2002

Jennifer Garness

Rochester Olmsted Planning Department

2122 Campus Drive SE-Suite100

Rochester, MN 55904

**RE: Subdivision Permit (Preliminary Plat) #02-38 to be known as New River Subdivision by New River Fellowship. The Plat proposes to replat Outlot A, Seehusen Industrial Park into 3 lots for development. The property is located north of TH 14 West, south of the railroad tracks at the westerly end of the North Frontage Road.**

Dear Ms. Garness:

The Minnesota Department of Transportation (Mn/DOT) has reviewed Preliminary Plat #02-38 to be known as New River Subdivision by New River Fellowship. This platting is acceptable with Mn/DOT providing this use and any work will be outside of Mn/DOT's right-of-way. In the event there is a need to work within Mn/DOT's right-of-way a permit will be needed. You may contact Lee Gierok, Permit Specialist, at (507) 285-7362 for a permit application.

Thank you for the opportunity to review the above proposal. Please contact Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777 for any questions you may have.

Sincerely,

A handwritten signature in cursive script, reading 'Dale E. Maul', is written over the 'Sincerely,' line.

Dale E. Maul  
Planning Director

cc: Fred Sandal  
Debbie Persoon-Bement  
File

DEM:DPB:mc

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## WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: New River Subdivision

- ☐ No hydric soils exist on the site based on the Soil Survey
- ☐ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☐ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☐ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☐ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☒ Other or Explanation:

**A wetland exemption has been approved for the portion of the property proposed for site improvements. The wetland file number is #02-27.**

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# REQUEST FOR COUNCIL ACTION

MEETING  
2-3-03

103'

AGENDA SECTION: PUBLIC HEARING	ORIGINATING DEPT: PLANNING	ITEM NO. E-4
ITEM DESCRIPTION: Type III, Phase III Change in Use of a Nonconforming Use Permit #02-61 by John Case to allow for the change in use of a nonconforming use. The proposal is to change the use of the property from its current use (Haakenson Crane) to that of another nonconforming use (Rhino Linings of Rochester). The property is located on 55 <sup>th</sup> Street NW and the address is 4203 55 <sup>th</sup> Street NW.		PREPARED BY: Brent Svenby, Planner

January 23, 2003

## Planning Commission Recommendation:

The Rochester Planning and Zoning Commission considered this application at a public hearing on January 8, 2003. At the hearing Mr. John Case, the applicant, Inc. addressed the Commission. He explained the project and stated that he was in agreement with the conditions suggested by the Planning Department.

A couple neighboring property owners had questions on the screening of empty barrels being stored on the property.

The Planning Commission reviewed this request according to the applicable criteria and standards in the LDM. The Commission found that this request is consistent with those criteria and recommends approval subject to the following conditions or modifications:

## CONDITIONS:

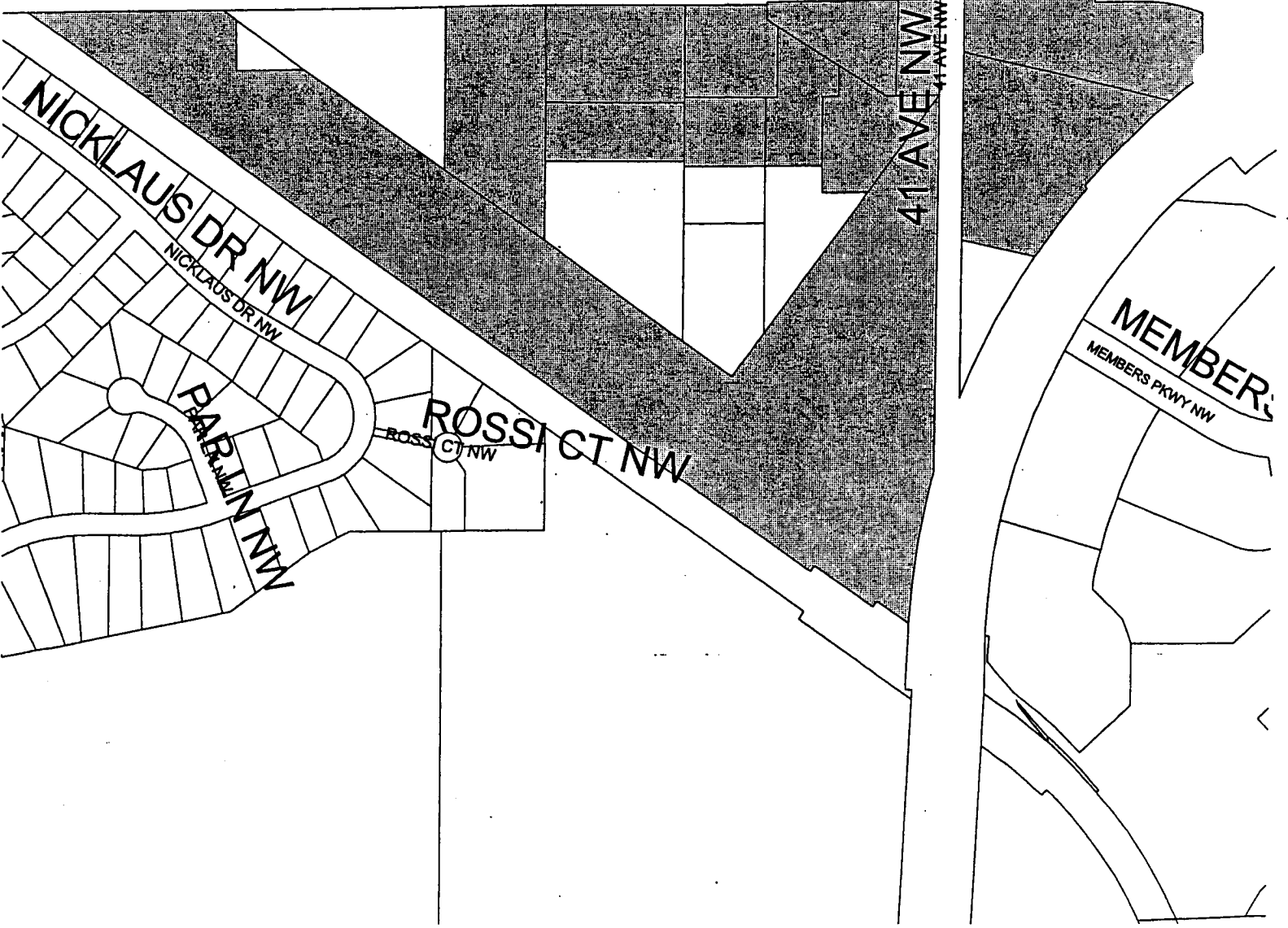
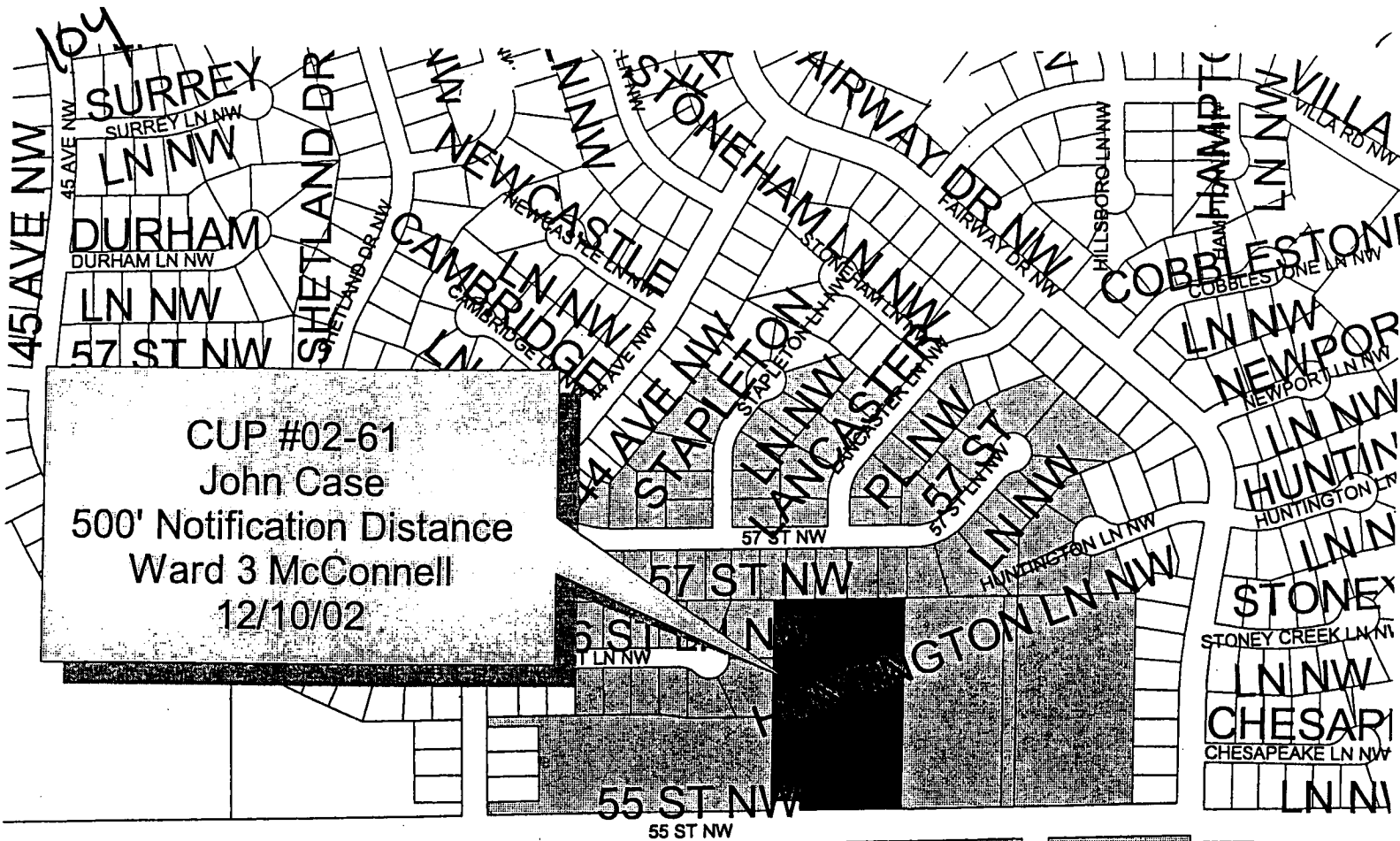
1. Signage for the business shall be consistent with the signage allowed for an office use in the R-1 zoning district.
2. The applicant shall execute a Utility Connection Agreement with the City of Rochester Public Works Department. The Connection Agreement shall include the Owner's obligations related to substandard street reconstruction charges and pedestrian facilities along the entire frontage of the property abutting 55<sup>th</sup> Street NW.
3. Any outside storage of vehicles and/or equipment or supplies associated with the proposed use of this property, must be stored within a completely enclosed area with solid screening. The area delineated on the site plan adjacent to the well house shall be used, unless materials or equipment being stored raise concerns with contaminating the well. In that case, staff may approve another location with similar setbacks and screening.

Ms. Wiesner moved to recommend approval of Type III, Phase III Change in Use of a Nonconforming Use Permit #02-61 by John Case with staff-recommended conditions. Ms. Petersson seconded the motion. The motion carried 8-0.

## Council Action Needed:

1. *If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution either approving, approving with conditions, or denying this request based upon the criteria included in the staff report.*

COUNCIL ACTION: Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_



N

336.0'

105'

200'±

100'

90'

71'

32'

42'

57'

SHOP

60'

16'

12'

47'

HSE

24'

LOADING DOCK

590.64'

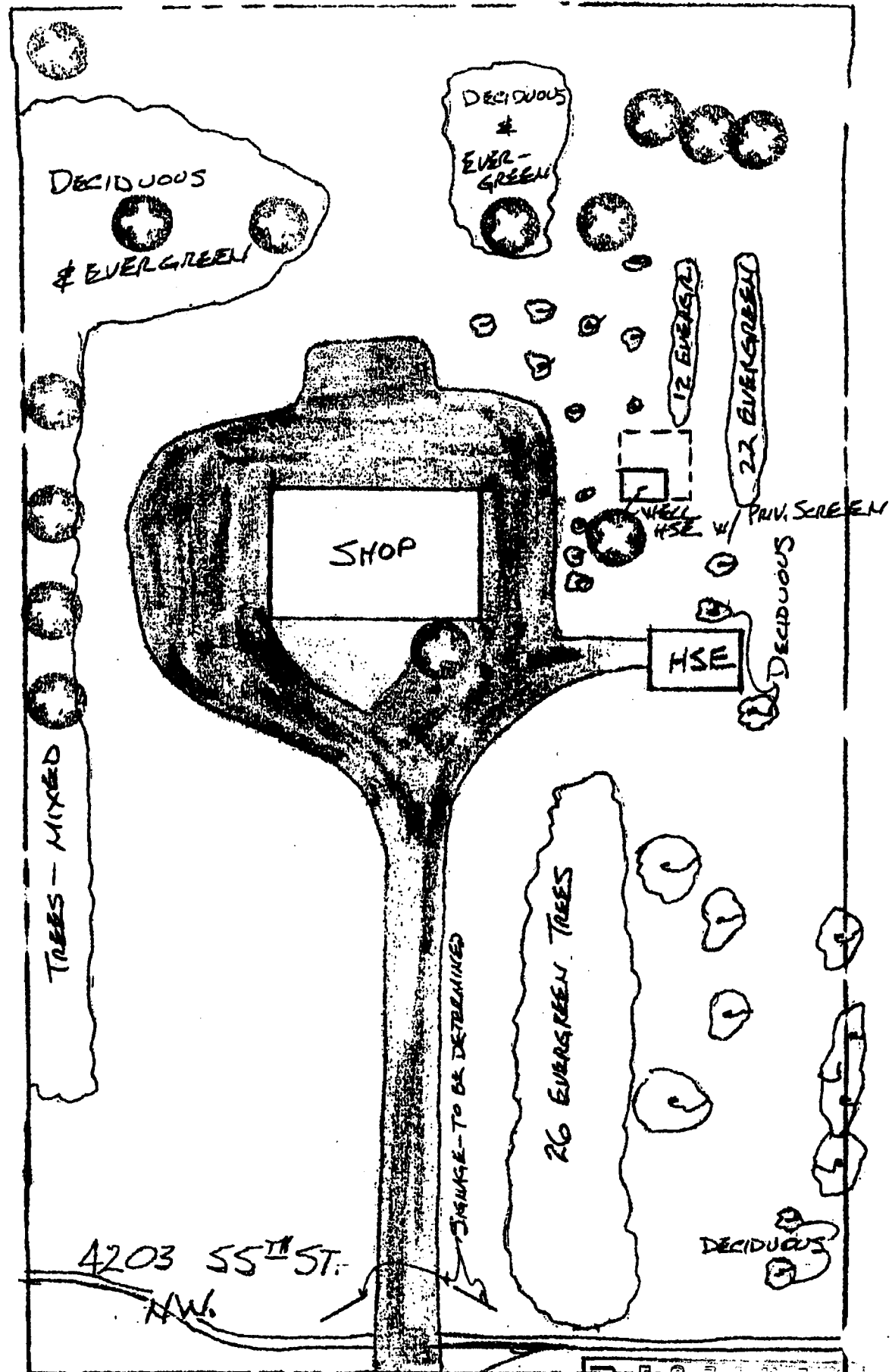
333'

300'

4203 55<sup>TH</sup> ST. N.W.

EXISTING CONDITIONS

R	RECEIVED	U
	NOV 26 2002	
ROCHESTER OLSTED PLANNING DEPARTMENT		



TRASH.  
 WOOD  
 CONC  
 STEEL  
 OR  
 BRUSH

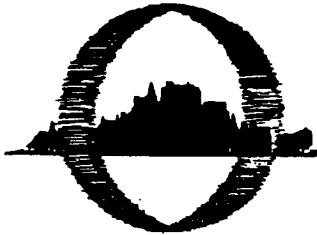
TREES ARE  
 EVERGREEN  
 UNLESS  
 NOTED

EXISTING CONDITIONS  
 EXCEPT  
 SCREEN TO HIDE  
 OS. STORAGE AT  
 WELL HOUSE &  
 SIGNAGE ADDED

BIKE TRACK PATH

NOV 26 2002

ROCHESTER OLIMSTED



## ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

*Olmsted*

[www.olmstedcounty.com/planning](http://www.olmstedcounty.com/planning)



**TO:** City Planning & Zoning Commission

**FROM:** Brent Svenby, Planner

**DATE:** January 3, 2003

**RE:** Type III, Phase III Change in Use of a Nonconforming Use Permit #02-61 by John Case to allow for the change in use of a nonconforming use. The proposal is to change the use of the property from its current use (Haakenson Crane) to that of another nonconforming use (Rhino Linings of Rochester). The property is located on 55<sup>th</sup> Street NW and the address is 4203 55<sup>th</sup> Street NW.

### Planning Department Review

**Applicant:**

John Case  
dba Rhino Linings of Rochester  
3906 Commerce Court SW  
Rochester, MN 55902

**Property Owner:**

Betty Haakenson-Mount  
24949 French Drive  
Cleveland, MN 56017

**Permit Application:**

The applicant is requesting permission for a change in use of an existing non-conforming use under the provisions of Section 65.330, Change in Use, of the Rochester Zoning Ordinance and Land Development Manual. Section 65.330 establishes the review process for such a request as a Type III procedure utilizing a Phase III hearing process. Section 65.330 specifically requires that the review criteria found in this section be used by the Commission and Council to evaluate the proposal.

**Property Location:**

4203 55<sup>th</sup> Street NW.

**Zoning:**

R-1, Mixed Single Family District.

**Adjacent Land Use:**

The property is surrounded on the north, east and west sides by property zoned R-1 (Mixed Single Family) on the Rochester Zoning Map. To the north and west is the North Park Development which is a single family residential development.



To the south, across 55<sup>th</sup> Street NW, is Sunrise Cottages of Rochester.

**Summary of Proposal:**

The applicant is proposing to change a use of a nonconforming use to another nonconforming use. The most recent of the property was that of Hawk and Son's which is a commercial and industrial construction company specializing in cranes and rough terrain forklifts. The applicant is proposing to relocate his business to the property. The business proposed to be located here is Rhino Linings of Rochester. Rhino Lining is a sprayed-on polyurethane truck bed lining.

**Referral Agency Comments:**

1. RPU Water Division
2. RPU Operation Division
3. Rochester Public Works
4. MnDOT
5. Fire Department

**Attachments:**

Location Map  
Site Map  
Photos of the Building  
Referral Comments

**Explanation of Application and Review Procedures:**

The property is located at 4203 55<sup>th</sup> Street NW and is approximately 4.11 acres. The property is zoned R-1 and the use (commercial) of the property is considered a nonconforming use. There is single family residential dwelling and accessory building on the property. The accessory building was originally a barn for dairy operation and later converted to house the operation of a commercial construction company. The construction company specialized in crane and rough terrain forklifts. The office and the daily operation were moved from the property in October 2000 however the property is still being used for the storage of equipment and materials and as a shop.

An application has been filed to change the nonconforming use to another nonconforming use. A proposal has been filed to relocate Rhino Linings of Rochester to the property. Rhino Lining is a sprayed-on polyurethane truck bed liner which requires that the work preformed in a controlled environment. With this type of work, the work will be completed indoors. Currently the business has two employees and averages slightly less than two installations per day. One to three employees may be hired if the number of installations per day increases. The business would be open Monday thru Friday 8AM to 6 PM and on Saturdays by appointment.

Section 65.330 of the Zoning Ordinance specifically provided an opportunity for a change in use of a nonconforming use to another nonconforming use subject to the regulations of

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Section 65.330. Any nonconforming use of land or structure may be changed to another nonconforming use of the same nature or less intensive nature if no structural alterations are involved and if it is found that the relation of the structure and proposed use to surrounding property is such that adverse effects on occupants and neighboring property will not be greater than if the original nonconforming use continued. Approval for such a change shall be processed through the Type III review procedure, with a Phase III hearing process utilized and the factors that shall be weighted in making the determination on the permit shall include:

- 1) The character and history of the use and of development in the surrounding area.
- 2) The comparable degree of noise, vibration, dust, odor, fumes, glare or smoke detectable at the property line.
- 3) The comparative numbers and kinds of vehicular trips to the site.
- 4) The comparative amount and nature of outside storage, loading, and parking.
- 5) The comparative visual appearance.
- 6) The comparative hours of operation.
- 7) The comparative effect on existing vegetation.
- 8) The comparative effect on water drainage.
- 9) Other factors which tend to reduce conflicts of incompatibility with the character or needs of the area.

Maintenance and repair of the building will be subject to Section 65.130, Maintenance and Repair of Nonconformity. This section of the ordinance allows for maintenance and repair of the structure, however, the work is limited annually up to 15% of the County Assessor's Market Value or \$30,000, whichever is greater. The repair or modification can not increase the amount of floor area of the nonconforming use.

**Staff Recommendation:**

Upon review of the proposed change in use of this non-conforming use and its potential impact when compared to the nine (9) criteria the staff finds the following:

- 1) The use of the building has traditionally been use for commercial purposes. The building originally constructed to house a dairy operation has most recently been used to house a commercial construction company specializing in cranes and rough terrain forklifts.
- 2) There will be no discernable difference in noise, dust, odor, fumes, glare or smoke detectable at the property line. The type of business purposed requires that the work be completed under a controlled environment. All work done would be done inside of the building.
- 3) There would be an expected decrease in the typical number of vehicle trips to the site because there wouldn't be as many employees working out of the building plus the purposed business averages slightly less than two installations per day. Even with the

addition of additional employees the number of vehicle trips anticipated would be lower than would exist for the most recent use of the property.

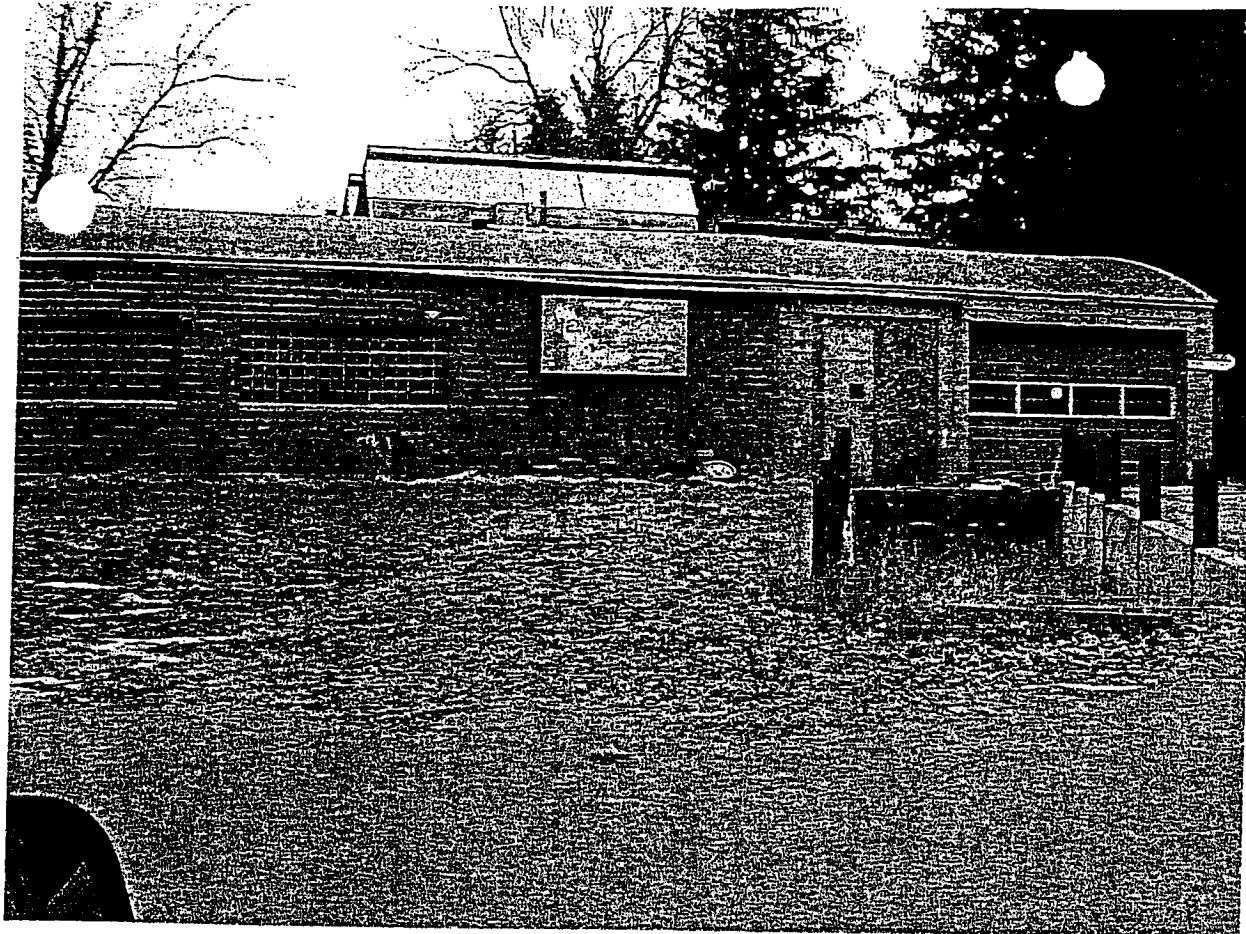
- 4) Since the works requires a controlled environment, trucks would be parked inside prior to the installation of the bed liner. At the completion of the installation of the bed liner, vehicles may be parked outside until the customer returns to pick up the vehicle. There would be outdoor storage of barrels until the barrels are recycled. The applicant has stated that he would build a privacy screen to block the view of the barrels.
- 5) The visual appearance from the street will be indiscernible. It is expected that the change in use of the building will give the owner the opportunity to freshen up the exterior finishes to the existing building.
- 6) There would likely be less hours of operation on the property with the proposal than what is typically found with a construction company.
- 7) The applicant intends to remove the over grown and/or dead vegetation on the property. In addition to removing of some of the vegetation, old construction debris founded on the property will be removed and new landscaping established in those areas.
- 8) It is anticipated that there would be no effect on water drainage on the property with the change of use of the property.
- 9) With the nature of the business, requiring a controlled environment and that the work is completed indoors, it does not appear that change in use of the property would tend to reduce incompatibility with the character or needs of the area.

Based on the above listed findings, staff suggests that this request to change in use of a non-conforming use be recommended for approval by the Planning and Commission and approved by the City Council with the following conditions:

1. **Signage for the business shall be consistent with the signage allowed for an office use in the R-1 zoning district.**
2. **The applicant shall execute a Utility Connection Agreement with the City of Rochester Public Works Department. The Connection Agreement shall include the Owner's obligations related to substandard street reconstruction charges and pedestrian facilities along the entire frontage of the property abutting 55<sup>th</sup> Street NW.**

**Planning Commission Action:**

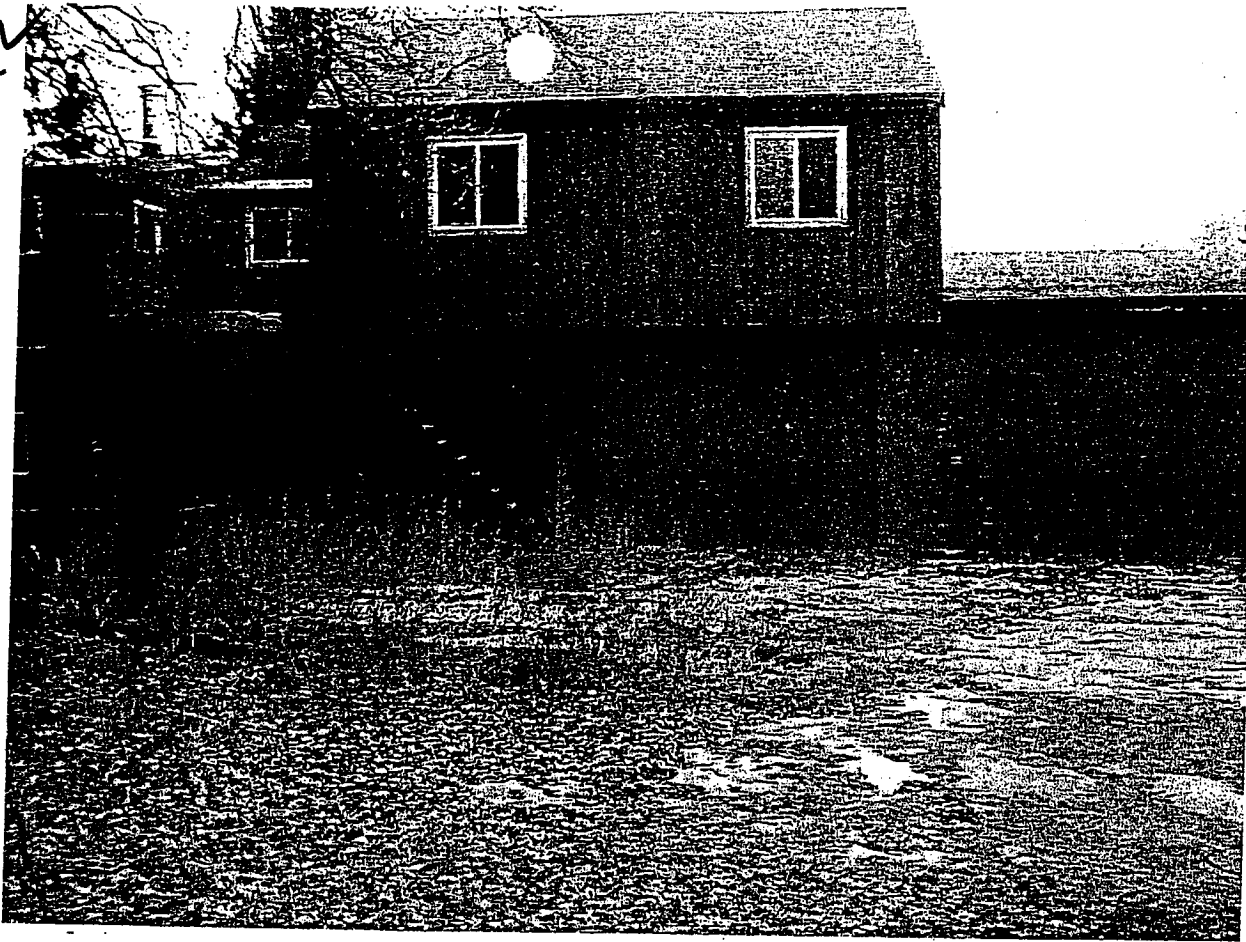
The CPZC should by motion make a recommendation on this request to the City Council. The City Council will consider this matter at the later date.



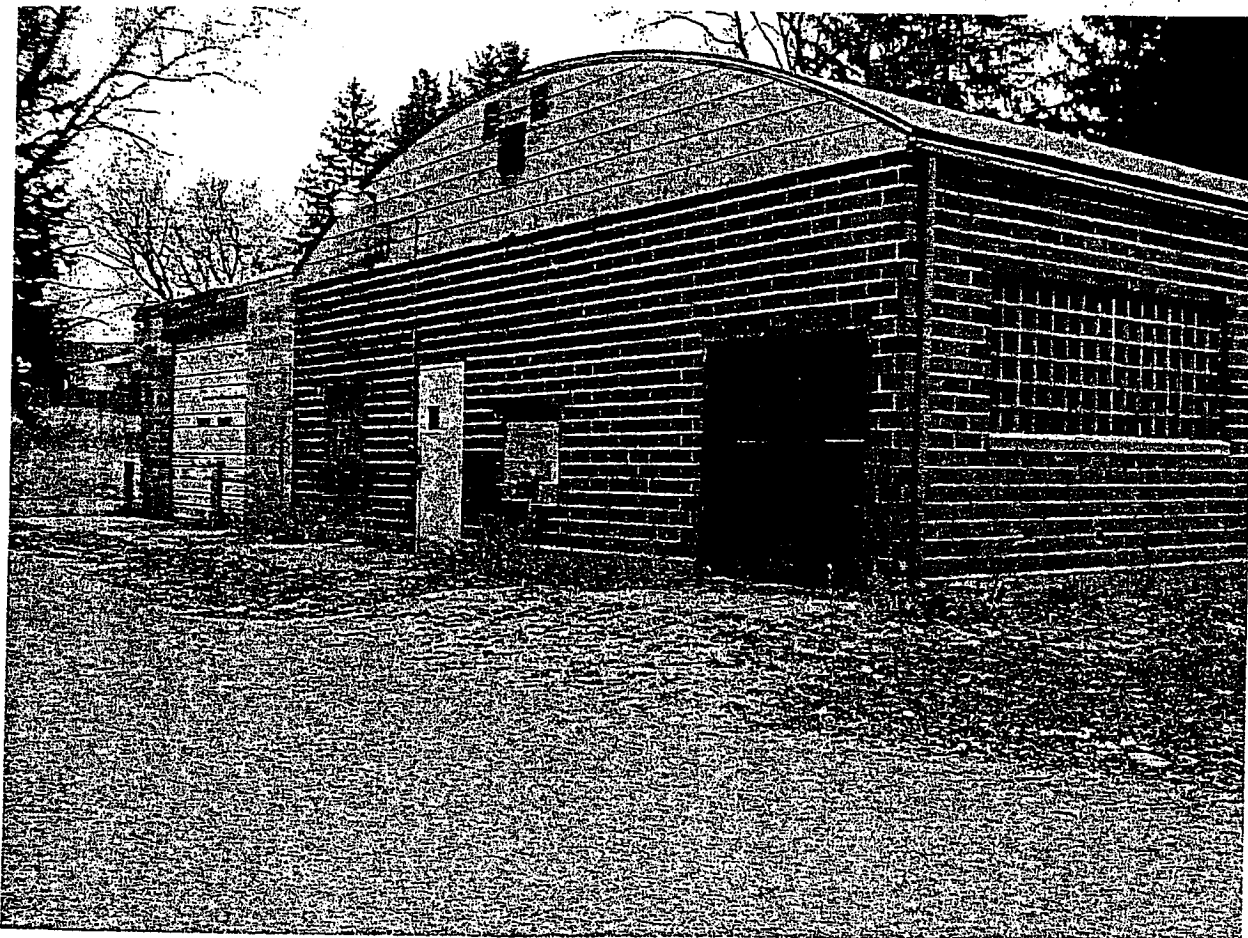
SOUTH SIDE OF BUILDING



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NORTH SIDE OF BUILDING



WEST SIDE OF BUILDING

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# ROCHESTER

— Minnesota —

TO: Consolidated Planning Department  
2122 Campus Drive SE  
Rochester, MN 55904

DEPARTMENT OF PUBLIC  
WORKS  
201 4<sup>th</sup> Street SE Room 108  
Rochester, MN 55904-3740  
507-287-7800  
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 12/27/02

Public Works has reviewed the requested Non-Conforming Use Permit #02-61 for the Case Property (4203 55<sup>th</sup> St NW). The following are Public Works comments on this request:

1. The approved sign location shall be outside the ROW, and in a location that does not adversely impact sight visibility.
2. Execution of a Utility Connection Agreement is required for this property prior to CUP approval. Said Connection Agreement will also include the Owner's obligations related to Substandard Street Reconstruction Charges, and Pedestrian Facilities along the entire frontage of the Property abutting 55<sup>th</sup> St NW.



# **Rhino Linings®**

## **RHINO LININGS OF ROCHESTER**

**3906 COMMERCE COURT SW ROCHESTER, MN 55902**

**(507) 280 8142**

Haakenson Property  
4203 55<sup>th</sup> Street NW  
Rochester, MN

Commercial use of property

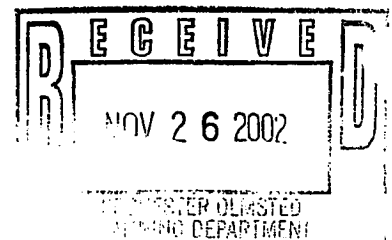
Code section 65.330

Nonconforming use of property change to another nonconforming use

The property at 4203 55<sup>th</sup> Street NW, Rochester, MN is described (on the legal abstract) as 336' on the South line (front) and also on the North line (rear). The property is 590.64' on both of the side lines.

The building on the property which is proposed for nonconforming commercial use is set back from the front approx. 320'. Set back from the West side line is approx. 100'. The remaining set backs are approx. 205' to the rear line and 146' to the East line.

Set backs obviously exceed code requirements.





## **RHINO LININGS OF ROCHESTER**

**3906 COMMERCE COURT SW ROCHESTER, MN 55902**

**(507) 280 8142**

Haakenson Property  
4203 55<sup>th</sup> Street NW  
Rochester, MN

Commercial use of property

Code section 65.330

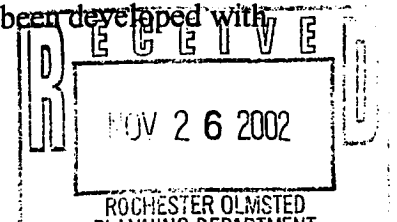
Nonconforming use of property change to another nonconforming use

Factors for determination:

1) Character and history of the use and of development of the surrounding area

The property was reported to have been a dairy operation in rural Rochester when built. Later the barn became the operation base for a growing construction company. The original business owner lived on the property in the adjacent residence. The expansion of the scope of the construction business introduced more and heavier equipment which included skid steer loaders, welder/generators, truck mounted cranes, rough terrain cranes, 30 ton to 80 ton chassis mounted cranes, rough terrain fork lifts, semi-trailers and tractors, as well as several pick-up trucks set up for contractor's use. The original owner/father died and the daily operation of the business shifted to the sons. The growth of the construction business continued. The seasonal nature of construction work results in fluctuating employment numbers apparently reached a maximum of about twenty including field personnel and office/shop staff. The office and the major part of the daily operation were moved to a new site beginning on October, 2000. Equipment and materials continued to be stored on the site. During a pre-purchase inspection of the property on October 10, 2002, tools, equipment, parts, and vehicles were still in the shop indicating continued use.

Rochester housing has expanded to the north and west with a pocket of old structure including 4203 55<sup>th</sup> Street NW. The area has also been developed with



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other non-residential structures including two churches, a senior's housing facility, and (most recently) and bank. All of these examples involve new construction on previously bare sites thus introducing new levels of impact upon the neighborhood.

The proposed commercial occupancy at 4203 55<sup>th</sup> St NW will return an operation where the owner is on the site daily. A tenant residing in the house on the property will create a degree of security for the area. The new owners propose to locate the following at the site (all owned by the purchaser): masonry construction company – which is being phased out, mobile pressure washing service – all contained in an enclosed trailer (cleaning is done at various remote locations), Rhino Linings of Rochester – a truck accessory business, and storage of equipment.

- 2) The comparable degree of noise, vibration, dust, odor, fumes, glare or smoke detectable at the property line.

The proposed business (Rhino Linings) must be completed under controlled environment conditions. Moisture and wind are both enemies of the application of the sprayed-on bed liners. Work is completed inside of the building. In the four year history of the business, one over-sized job necessitated building a temporary tent type connection to the shop at the current location. The process does not produce fumes, burning or smoke, equipment running at idle, or vibrations. No heavy equipment will be on site and semi truck traffic tends to average one delivery per month at the current location and work volume.

- 3) The comparable number and type of vehicle trips to the site.

Per information from the shop manager/tool coordinator for Hawk and Son's: 100 vehicle trips per day during busiest times of the construction season. Daily vehicle trip numbers average 50 throughout the year. 15 – 20 employees arrive at the shop then leave for the various job sites in company pick-up trucks. The reverse exchange of vehicles occurs at the end of the work day. Cranes, rough terrain fork lifts, and other construction site support vehicles and equipment moved onto and off of the site daily. Office staff also generated traffic.

The business proposing to occupy the site (Rhino Linings of Rochester) is operated by the business owners – husband and wife – without any employees. Currently, Rhino Linings business volume averages slightly less than two (2) installations per day. The proposed occupancy will, initially, generate approximately 10 vehicle trips per day (same as the traffic rate at the current location). The size of the 4203 55<sup>th</sup> Street building is forecasted to be able to support 2 or 2 ½ times the work of that of the current shop location. To realize that volume of work, one to three employees (depending upon the number of

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hours worked by each employee) will be hired. Ultimate vehicle trips per day are not forecasted to exceed 25 – 30 trips per day. The physical restriction of the shop at 4203 55<sup>th</sup> St. will force another relocation of the business before the business grows to more than 5 or 6 jobs per day and the daily vehicle trips exceed 25 – 30 per day.

UPS and similar deliveries average 1 per week and may double in volume.

Deliveries by semi truck average 1 per month and are not forecast to ever average a full two per month. The trucks are on site approximately 30 minutes while loading or unloading.

4) Comparable amounts of outside storage, loading, and parking

Outside parking will consist of the owner's vehicle (x2) and possibly future employee's vehicles (x3)

Trucks waiting to be sprayed are parked inside (warm, clean, and dry)

Trucks with completed work may be parked outside until customer returns to the shop in the afternoon ( 2 – 3 units at current rate)

Rhino shop truck and the pressure washing trailer may be stored outdoors (during warm weather). The owners of Rhino Linings of Rochester have two "project trucks" in for rebuilding and modifying. Project trucks shall be parked near the existing well house when not being worked on.

Loading and unloading averages 1 truck per month

Outdoor storage is needed for empty barrels. Current habit is to recycle up to 26 barrels per trip. A privacy screen will be proposed to contain the barrels and block the view from the property lines. Rhino Linings proposes to construct the storage area for barrels and project trucks adjacent to the well house.

5) The comparative visual appearance.

Hawk and Son's construction maintained the property like most storage sites where minimal customer contact at the shop location allowed minimal site maintenance. The proposed use of the property will generate traffic consisting of owners of (mainly) new and expensive trucks to the building. The products sold by Rhino Linings of Rochester are marketed as up-scale and top of the line items. The property will be upgraded to reflect that same image. The front (south) of the building will be resided and a customer entrance will be created. General appearance and landscaping will be upgraded.

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6) The comparative hours of operation.

Official hours of operation for Rhino Linings of Rochester are 8 AM to 6 PM Monday thru Friday. The hours are similar to the office hours of the construction company. Saturday hours are scheduled by appointment. The owners typically enter the business on the weekends.

7) The effect on existing vegetation.

Vegetation will not be radically effected except for the clean up of over grown and/or dead plants and trees. New planting may be added around the new customer entrance. Some debris in the form of broken concrete, pieces of steel, wood chunks, etc. remain on the site following the departure of the construction company. Such debris will be cleaned up and landscaping reestablished.

8) The effect on water drainage.

No effects on drainage will be noted at the property lines. Some hard surface paving may be added at entries.

9) Other factors which tend to reduce conflicts and incompatibility with the character and the needs of the area.

The operation of the Rhino Linings business requires that the trucks be absolutely dry and a minimum temperature. These requirements cause the work to be completed indoors for climate control. The first impression of the potential customer will dictate that the site appearance will be improved and maintained.

10) Signage.

Projected business signage will consist of dual masonry panels finished on all sides with appropriate lighting and size of lettering per zoning regulations.

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ANNEXATIONS:

Annexation Petition #02-25 by Mark Leitzen to annex approximately 54.98 acres of land. The property is in part of the NE ¼ of Section 24, Rochester Township. The property is located along the west side of County Road 1 and along the north side of US Highway 52.

Ms. Petersson moved to recommend approval of Annexation Petition #02-25 by Mark Leitzen. Ms. Rivas seconded the motion. The motion carried 8-0.

Annexation Petition #02-26 by Victor Scott to annex approximately 35.44 acres of land. The property is in that part of the NW 1/4 of Section 4, Cascade Township. The property is located south of 75<sup>th</sup> Street NW and along the east side of US Highway 52.

Ms. Wiesner moved to recommend approval of Annexation Petition #02-26 by Victor Scott. Mr. Haeussinger seconded the motion. The motion carried 8-0.

PUBLIC HEARINGS:

Type III, Phase II Conditional Use Permit request #02-60, by South Broadway Partners, LLC. The applicant is requesting approval for an excavation permit to allow for a substantial land alteration on property located north of 48<sup>th</sup> St. SE, east of T.H. 63 and south of the future 40<sup>th</sup> Street SE. The applicant proposes to change grades in excess of 10 feet or more on portions of the property and the grading work involves moving approximately 550,000 cubic yards of material within the property.

Mr. Staver stated that the applicant submitted a letter requesting that the item be tabled to March 26, 2003.

Ms. Petersson moved to table Type III, Phase II Conditional Use Permit request #02-60, by South Broadway Partners, LLC to March 26, 2003. Mr. Burke seconded the motion. The motion carried 8-0.

\* Type III, Phase III Change in Use of a Nonconforming Use Permit #02-61 by John Case to allow for the change in use of a nonconforming use. The proposal is to change the use of the property from its current use (Haakenson Crane) to that of another nonconforming use (Rhino Linings of Rochester). The property is located on 55<sup>th</sup> Street NW and the address is 4203 55<sup>th</sup> Street NW.

Ms. Mitzi A. Baker presented the staff report, dated January 3, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Baker pointed out that a letter was submitted from the applicant providing a detailed explanation of the history of the property and the proposed use of the property. This letter is on file at the Rochester-Olmsted Planning Department.

Ms. Baker suggested the following additional condition: "Any outside storage of vehicles and/or equipment or supplies associated with the proposed use of this property, must be stored within a completely enclosed area with solid screening. The area delineated on the site plan adjacent to the well house shall be used, unless materials or equipment being stored raise concerns with

contaminating the well. In that case, staff may approve another location with similar setbacks and screening."

Ms. Wiesner asked if they would have to close the well due to being close to 55<sup>th</sup> Street NW and hook up to city services.

Ms. Baker deferred the question to the applicant.

Ms. Wiesner questioned what solid screening would be used.

Ms. Baker responded a wall or fence (something you cannot visually see through).

Ms. Rivas questioned if they would have to have a paved surface.

Ms. Baker responded that, since it was a change from a non-conforming use to a non-conforming use, they do not have to bring the property into full compliance.

Mr. Harford explained that the Commission could make paving the surface a condition of approval.

Mr. John Case, of 3630 Willow Heights Drive SW, Rochester MN, addressed the Commission. He stated that his current business address is 3906 Commerce Court SW, Rochester MN. He explained that they are looking to move their business due to highway construction on the intersection of 40<sup>th</sup> Street and Highway 63.

Mr. Case explained that his business is a small locally owned business providing accessories for vehicles. He stated that the materials are totally hazardous waste free. He indicated that he and his wife currently run the shop. The business averages approximately two cars a day. He indicated that he could only foresee the business growing to five vehicles per day.

Mr. Case stated that he could see tearing the buildings down and building a more suitable home for him and his wife in approximately 7-10 years and selling the business to someone who would move it to their home.

Mr. Case stated that he spoke with Mark Baker regarding a utility connection agreement.

Ms. Rivas questioned the amount of vehicles parked on the property.

Mr. Case responded that he owned two trucks of his own that he works on. He stated that he understands that the vehicles would need to be stored behind a fully enclosed area. He explained that only empty barrels would be placed outside, as they would need to be stored inside if full. He further explained when he takes the barrels off site.

Ms. Petersson asked if Mr. Case agreed with the staff-recommended conditions (including the one described by Ms. Baker).

Mr. Case responded yes.

Ms. Linda Birnbaum, of 4142 57<sup>th</sup> Street NW, Rochester MN, addressed the Commission. She stated that she did not understand non-conforming uses. She stated that the truck lining

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business is more of a car operation and she does not want a used car lot, junkyard, or car wash being put on the property.

Mr. Staver explained that the applicant would need to go through another public hearing process if the use of the property would change.

Ms. Birnbaum expressed concern with the barrels being completely screened from her property.

Ms. Birnbaum stated that she hoped the applicant would not remove any of the large evergreen trees, as there are nesting hawks.

Mr. Staver asked how many barrels would be stored outside at a given time.

Mr. Case responded 18. He explained that it wasn't cost effective to take barrels away every time he used one.

Ms. Petersson asked the applicant if he proposed to leave most of the big trees.

Mr. Case responded that he had no intention of getting rid of any trees, unless they are dying. He stated that he would speak with someone from the DNR regarding establishing prairie grasslands.

Mr. Mark Sorensen, of 4148 57<sup>th</sup> Street NW, Rochester MN, addressed the Commission. He expressed concern with smelling the products the applicant proposes to use.

Mr. Case stated that the chemical only smells for about 10 minutes and that it has a light musty odor that is not offensive.

Mr. Gerry Varsoke, of 4202 57<sup>th</sup> Street NW, Rochester MN, addressed the Commission. He expressed concern with not having a high enough fence to screen the vehicles and barrels from his property since it was 20 feet higher than the applicant's property.

Mr. Staver explained that the vegetation between the properties would remain.

Ms. Rivas asked Mr. Varsoke if he had an objection to the building being there when he purchased his property.

Mr. Varsoke responded that vegetation grew around the steel and other debris in the grass. He explained that the previous property owners did not have any large piles that could be viewed from his property like the barrels and vehicles would be.

Ms. Rivas noticed that Mr. Varsoke had many plantings on his property that would help screening as they matured.

Mr. Staver asked if Mr. Varsoke could see the existing well house at the present time from his property.

Mr. Varsoke responded that he was unsure what the well house looked like.

Discussion ensued of where the well house was located.

Mr. Varsoke stated that he could not see the well house from his property.

With no one else wishing to be heard, Mr. Staver closed the public hearing.

Ms. Wiesner moved to recommend approval of Type III, Phase III Change in Use of a Nonconforming Use Permit #02-61 by John Case with staff-recommended conditions. Ms. Petersson seconded the motion. The motion carried 8-0.

**CONDITIONS:**

1. Signage for the business shall be consistent with the signage allowed for an office use in the R-1 zoning district.
2. The applicant shall execute a Utility Connection Agreement with the City of Rochester Public Works Department. The Connection Agreement shall include the Owner's obligations related to substandard street reconstruction charges and pedestrian facilities along the entire frontage of the property abutting 55<sup>th</sup> Street NW.
3. Any outside storage of vehicles and/or equipment or supplies associated with the proposed use of this property, must be stored within a completely enclosed area with solid screening. The area delineated on the site plan adjacent to the well house shall be used, unless materials or equipment being stored raise concerns with contaminating the well. In that case, staff may approve another location with similar setbacks and screening.

General Development Plan #196 by Bamber Valley Development to be known as Bamber Valley Estates. The Plan incorporates approximately 59.13 acres of land to be developed with single family detached dwellings. The plan shows the property being served by both private and public roadways and a 7.09 acre private lake. The property is located along the north side of Salem Road SE and along the east side of Westhill Drive SE.

Mr. Staver explained that the applicant requested that item be continued to January 22, 2003.

Ms. Petersson moved to continue General Development Plan #196 by Bamber Valley Development to be known as Bamber Valley Estates to January 22, 2003. Ms. Rivas seconded the motion. The motion carried 8-0.

General Development Plan #197 by GR Development Inc. to be known as Fieldstone (formerly known as Flagstone). The Plan incorporates approximately 146 acres of land to be developed with single family detached dwellings. The plan shows the property being served by both private and public roadways and does provide an area for a public park. The property is located along the west side of 18<sup>th</sup> Avenue SW, north of the Hart Farm Subdivision and south of Institute Hills.

Ms. Mitzi A. Baker presented the staff report, dated January 2, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Ms. Rivas asked what the length of the cul-de-sac going to the west was, and what the maximum limit was.

# REQUEST FOR COUNCIL ACTION

MEETING  
DATE: 2/3/03

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AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-5
ITEM DESCRIPTION: Amendment to the Zoning Ordinance and Land Development Manual – Section 65.510(5)(b) - Advertising signs		PREPARED BY: John Harford, Senior Planner

January 23, 2003

## City Planning and Zoning Commission Recommendation:

On December 11, 2002 the CP&ZC held a public hearing on a CPZC initiated text amendment to the section of the zoning ordinance addressing advertising sign credit use. The CP&ZC considered a staff recommended text change to Section 65.510(5)(b)(sign credit expiration) at the public hearing. The CPZC acted revised language on January 8, 2003.

The current ordinance language states that "The sign credit must be used to erect a new conforming advertising sign within two years of the date of issuance or the credit will lapse". The Board of Appeals determined that the sentence should be applied differently than applied by the staff. The difference in the application has to do with the term "erect". Staff has attempted to apply the two year limit to the actual construction of the sign, whereas the alternative is to apply the time limit to the issuance of a sign permit. The CPZC determined that it would be prudent to clarify the language, especially the term "erect".

The staff provided 3 alternatives for consideration by the CPZC and recommended a modification to the original interpretation. The CP&ZC recommended choosing the same alternative as proposed by the staff and listed in the staff report dated October 31, 2002. The CPZC also recommended a further refinement of the staff recommendation. The staff returned on January 8<sup>th</sup> with a revised recommendation as specified in the staff report dated December 13, 2002.

The revised language states that:

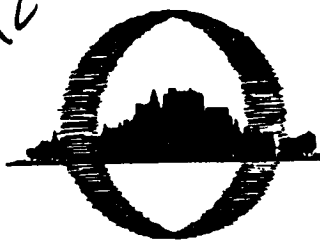
1. Sign credits shall expire in two years. There is no change to the current requirement;
2. A sign permit application must include a sign credit. The sign permit must be approved prior to the expiration date of the sign credit;
3. The last sentence of the section was added to clearly indicate that if a sign permit expires prior to construction, or a sign is not constructed, the sign credit also can expire.

Planning Department Recommendation: See the attached staff reports dated October 31, 2002 and December 13, 2002.

Council Action Needed: The Council should pass a resolution adopting the recommended language as proposed in the December 13, 2002 staff report.

COUNCIL ACTION: Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

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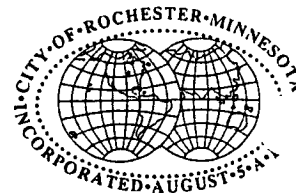
# ROCHESTER-OLMSTED PLANNING DEPARTMENT

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TO: CITY PLANNING AND ZONING COMMISSION

FROM: JOHN HARFORD, SENIOR PLANNER

DATE: OCTOBER 31, 2002

RE: Text Amendment #02-06 initiated by the City Planning and Zoning Commission, to amend Section 65.510(5)(b) of the Rochester Zoning Ordinance and Land Development Manual. This section, Termination of Nonconforming Advertising Signs, covers the standards for use of advertising sign credits.

**Applicant:**

City Planning and Zoning Commission

**Proposed Text Amendment:**

The CPZC initiated a text amendment to Section 65.510 of the zoning ordinance that addresses advertising sign credits and the timing of redemption on October 9, 2002.

**Land Use Plan:**

The Land Use Plan does not specifically address this issue.

**Zoning:**

Currently, Section 65.510 provides the standards for determining the use of sign credits.

**Referral Comments:**

Those agencies responding had no comments.

## Analysis:

The City's advertising sign provisions in the zoning ordinance address the removal of legal non-conforming advertising signs by sign owners in Section 65.510 "Termination of Nonconforming Signs". Section 65.510(5)(b) states that **"The sign credit must be used to erect a new conforming advertising sign within two years of the date of issuance or the credit will lapse."** The Planning Department has interpreted this sentence to mean that a sign company must submit a zoning certificate application with a sign credit such that the new sign is completely constructed prior to the expiration of the sign credit.

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PLANNING/ZONING 507/285-8232 • WELL/SEPTIC 507/285-8345

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This section along with the cap established to control the number of signs in the city is meant to, at the same time, encourage the removal of non-conforming advertising signs and to limit the numbers of signs being located in the community to minimize the impacts of advertising signs on neighborhoods.

This interpretation is supported in part by reviewing the 1997 text (pre-advertising sign amendment language approved in early 1998). The 1997 text states "For every advertising sign removed, the owner will be granted a sign credit. This credit must be used within two years of the date of issuance to erect a sign which conforms with the sign regulations or the credit will lapse". This language is less specific regarding the timing of the use than the 1998 amendment, thus indicating an intent to control the length of time that a sign company would have to use the credit.

The Board of Appeals earlier this year made decisions on two appeals of that interpretation by the Planning Department. The decision by the Board of Appeals did not provide a specific and permanent correction to the language in the ordinance. Therefore, the staff recommended that the CPZC initiate an amendment to this section.

The staff has identified three alternative ways to apply this provision.

1. Use a literal interpretation of the term "erect" such that the applicant must complete construct of a sign prior to the expiration date of the sign credit.
2. Develop language that would require the issuance of a zoning certificate prior to the expiration of the sign credit.
3. Develop language that would require merely the issuance of what is referred to as a "120 day letter" reserving a site for a sign per Section 60.509.

Option #1 is what the Council determined was most acceptable when the ordinance was amended in 1998. The intent apparently was to encourage sign companies to use the sign credit for the removal of a non-conforming advertising sign in a timely manner as opposed to obtaining the permit and then not constructing the sign but securing a property indefinitely. Secondly, the intent of the zoning ordinance is to see that non-conformities are removed over time within the city. Allowing for a sign credit is a compromise between the intent of removal of non-conforming advertising signs and providing land owners and sign companies a chance to locate a conforming site without exceeding the cap on total advertising signs in the city. Placing a time limit on the construction of a sign is a major drawback in that the Planning Department is not in a position to effectively check the timing of construction after a sign permit is issued. (See attached Appeal report) Enforcement of this provision becomes a problem as well. The Building Code does set an outer limit of 180 days for construction, but that provision is not generally enforced by the Building Safety Department.

Option #2 is consistent with our normal procedure on other permits. In other words, we do not look at when a structure is constructed. There is no time limit for use of a permit

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under the zoning ordinance although there is a time limit of 180 days under the Building Code. However, the zoning ordinance does require that if there is an amendment to the zoning ordinance that addresses a standard that applies to an unused permit that the applicant must adhere to the new standard. (See Section 60.154) The drawback of this approach is that a sign company could tie up an area of the city for an indefinite period of time if the Building Code time limit is not enforced. This issue was of more concern to property owners than sign companies when the ordinance was amended in 1997-98.

Option #3 provides the widest latitude for the sign companies. However, the "120 day letter" is issued specifically because the proposed sign location does not meet all of the standards for obtaining a sign permit. The sign company must remove an existing sign and then apply for the permit. And as with a recent appeal the sign company could submit a request for a "120 day letter" and then take no further action or wait a long time to obtain the final sign permit. In the case of the one appeal it was nearly one year before the sign company was ready to submit the necessary material to obtain the sign permit. The staff recommends that Option #3 not be considered further.

If Option #1 is considered most reasonable than the text should be amended and placed as the first sentence in Section 65.510(5)(b).

"Sign credits shall expire 2 years from the date of issuance or the credit will lapse. The sign credit shall be submitted to the zoning administrator with a complete sign permit within 180 days prior to the expiration of the sign credit. The sign permit must be issued and the construction shall be completed prior to the expiration of the sign credit. Where a non-conforming sign must be removed prior to approval of a sign permit the application will be considered complete when the non-conforming sign is removed."

If Option #2 is considered more easily enforceable and the text should appear as follows as the first sentence in Section 65.510(5)(b):

"Sign credits shall expire 2 years from the date of issuance or the credit will lapse. A complete sign permit shall be submitted to the zoning administrator with and approved by the zoning administrator prior to the date of expiration of the sign credit. The complete sign permit shall be submitted at least 10 days prior to the expiration date of the sign permit."

Staff is of the opinion that Option #2 can more reasonably be administered.

#### **Staff Recommendation:**

Staff recommends that the CPZC and City Council amend Section 65.510(5)(b) with the language presented in Option #2.

#### **Findings:**

The criteria that need to be addressed for a text amendment include:

1. Whether there is a public need for the amendment.
2. Whether the amendment will accomplish one or more of the purposes of this ordinance, the Comprehensive Plan or other adopted plans or policies;
3. Whether adoption of the amendment will be lawful.

Findings could be as follows:

1. There is a need for the city to provide a clear set of standards and a process for the redemption of sign credits that can reasonably be applied by the zoning administrator.
2. The amendment will state specifically the requirements of the ordinance regarding the redemption of credits. The requirement for sign credit redemption will be clearly stated for administration of the ordinance. The process is similar to the process now in effect for other types of permits, that is time limits are normally based on when permits are approved rather than when a structure is completed.
3. The submittal process and time limits for redemption of sign credits is made clear, and the proposed change is considered reasonable and lawful. The text amendment was reviewed by the City Attorney.

Attachments:

1. RCA dated 6/4/01
2. Zoning Ordinance text – Sections 63.224 and 65.510

65.510

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conforming must be restored within six months of the date of the need for restoration becomes apparent.

- 5) Any person or entity wishing to erect a new advertising sign that owns any legal nonconforming advertising signs must remove an equal or greater amount of legal nonconforming advertising sign area than the advertising sign area of the new advertising sign(s) to be erected.
  - a) Once the advertising sign owner has furnished proof of the total area of nonconforming advertising sign(s) removed and proof of removal of the supporting structure, the owner will be issued a sign credit. This sign credit must be furnished to the Zoning Administrator before a sign permit to erect the new advertising sign(s) will be issued. The sign permit shall allow the erection of a new advertising sign so long as the number of the cap set forth in Section 63.224 1) e) is not exceeded and the amount of area of the new advertising sign does not exceed the area of the nonconforming advertising sign which was removed.
  - b) The sign credit must be used to erect a new conforming advertising sign within two years of the date of issuance or the credit will lapse. If the sign credit lapses, the person or entity seeking to erect a new advertising sign must remove an additional equal or greater amount of legal nonconforming advertising sign area in order to erect a new advertising sign. In addition, if the sign credit lapses, the number of the cap set forth in Section 63.224 1) e) shall decrease by the number of lapsed credits. However, the period of time during which an interim ordinance on the erection of new advertising signs is in effect shall not be counted in determining whether a sign credit has lapsed.
  - c) This replacement requirement applies to all persons or entities that own legal nonconforming signs and wish to erect new advertising signs until the person or entity no longer owns any more legal nonconforming signs.
  - d) In addition, even if an advertising sign owner would otherwise qualify to erect a new advertising sign pursuant to this subdivision, the advertising sign owner may not erect the sign if doing so would cause the number of the cap on advertising signs as set forth in Section 63.224 1) e) to be exceeded.
  - e) Multiple sign credits may be used to obtain a single sign permit for the erection of a single advertising sign. The amount of the area of the new advertising sign may not exceed the area of the nonconforming advertising signs the removal of which resulted in the issuance of the sign credits. Furthermore, the number of the cap set forth in Section 63.224(1)(e) shall be reduced by the number of sign credits submitted to the zoning administrator, minus one, in order to obtain the single permit for the new advertising sign. (For example, the use of three sign credits to obtain one new sign permit will reduce the cap by two.)
- 6) If an advertising sign has been removed as a result of public purchase or condemnation initiated by the City of Rochester, then the sign owner will be entitled to either financial compensation or a sign credit, but not both alternatives. Where the City is not otherwise legally obligated to pay financial compensation, the City retains the right to designate whether the sign owner will receive financial compensation or a sign credit.

be used to guide the development of the site unless a revised plan is submitted and approved under this ordinance.

60.144 It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulation, ordinances or permits previously adopted or issued pursuant to law. However, wherever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

60.145 This zoning ordinance shall take effect and be enforced on January 1, 1992.

60.146 For all applications filed under the regulations of this ordinance, the burden shall be upon the applicant to provide the necessary information that will show that the proposed development will comply with the provisions of this ordinance and other applicable elements of the comprehensive plan.

60.147 All permits and certificates shall be processed under either a Type I, Type II, or Type III review procedure as these procedures are described in Article 60.500.

#### 60.150 VESTING OF RIGHTS:

~~A permit or license issued in conflict with the provision of this ordinance shall be null and void and of no effect whatsoever.~~ Where a landowner has, in good faith and in reliance upon a permit issued in error, begun construction, the matter shall be referred to the Council for disposition.

60.151 Permits and certificates are valid only for the development specified therein. Conditions attached to an approved development permit are given the same force as if they appeared in the text of the Zoning Ordinance. A development permit is permanent in nature unless the approving body or this Ordinance limits its effective period. An approved permit or certificate is assignable, but an assignment does not discharge any assignee from any obligation owed any local governmental unit in connection with the development, unless the applicable unit of government consents to the discharge.

60.152 Applications for permits or certificates which may be affected by proposed amendments to this ordinance shall not be approved unless the zoning administrator is satisfied that the proposed development will meet the requirements of the existing ordinance as well as the proposed ordinance language.

60.153 Changes in the zoning ordinance that become effective after an application for a certificate or permit has been filed but before the certificate or permit has been issued apply to the pending application unless the amendment provides otherwise or it is determined that the former ordinance should be made applicable in a particular case in the interest of justice. The mere filing of an application for a zoning certificate, development permit, or variance confers no rights upon the applicant, petitioner, or appellant.

60.154 If this zoning ordinance is amended to prohibit or change the standards applicable to a development authorized by a certificate or permit, the permit becomes void by operation of the law on the effective date of the amendment, unless the ordinance establishing the amendment provides otherwise or the applicant, in good faith and in

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reliance upon the permit, within ninety (90) days, began construction subsequent to the issuance of the permit but before adoption of the amendment.

#### **60.160 INTERPRETATION OF THE ORDINANCE**

**60.161 Purpose:** The provisions of this section are intended to establish guidelines to follow in clarifying ambiguities that may arise regarding the meaning of text in the Ordinance, the interpretation of the zoning map it incorporates, or the application of rules and regulations adopted pursuant to the Ordinance.

**60.162 Authority:** Subject to the requirements set forth in this section, the zoning administrator shall render interpretations to any provision of this ordinance or any rule or regulation issued pursuant to it.

**60.163 Rounding of Numeral Requirements:** The application of ordinance standards resulting in fractional requirements shall be treated in the following way:

**Off-Street Parking Spaces:** The requirement for a fractional space shall be rounded up to the next whole number, resulting in the provision of one full space.

**Setbacks:** No rounding of fractional requirements shall occur. When checking actual on-site measurements, the zoning administrator shall recognize the inherent difficulty in providing for an exact building location and shall permit minor deviations to occur as long as the spirit and intent of the ordinance is met.

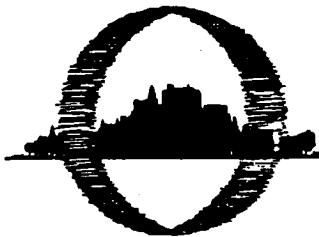
**Density or Floor Area:** Calculations resulting in a fractional unit may be rounded up to the next whole number.

**Height:** No rounding of fractional requirements shall occur. When checking actual on-site measurements, the zoning administrator shall recognize the inherent difficulties in establishing final grade lines during construction and shall permit minor deviations to occur as long as the spirit and intent of the ordinance is met.

**Plant materials:** Calculations resulting in provision of a fractional plant unit shall be rounded up to the next whole number.

**60.164 Meaning of Words:** All words and terms used in this ordinance have their commonly accepted, dictionary meaning unless they are specifically defined in this ordinance or the context in which they are used clearly indicates to the contrary. For the purpose of the ordinance, certain terms or words used herein shall be interpreted as follows:

- 1) All words used in the present tense include the future tense.
- 2) All words used in the singular number include the plural, and words in the plural number include the singular.
- 3) The masculine gender shall include the female and neuter.
- 4) The word "shall" is mandatory, and not discretionary, and the word "may" is permissive.
- 5) The word "building" shall include the word "structures".



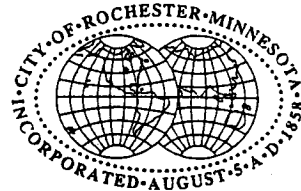
# ROCHESTER-OLMSTED PLANNING DEPARTMENT

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TO: Rochester Zoning Board of Appeals

FROM: John Harford, Senior Planner

DATE: May 24, 2002

RE: Type III, Phase I Appeal #02-02, by Tri-State Outdoor Media Group, Inc. to the Zoning Administrator's Decision to deny an advertising sign zoning certificate for a property locate at 1724 S. Broadway. The appeal is to the application by the Zoning Administrator of Section 65.510 (5)(b) to the advertising sign zoning certificate.

**Applicant/Owner:**

Tri-State Outdoor Media Group  
PO Box 6668  
Rochester, MN 55903

**Property Location:**

1724 S. Broadway; Grimm property

**Zoning:**

B-4 (General Commercial) District

**Referral Comments:**

City Public Works has no comments on this application.

**Report Attachments:**

- 1) Application and related data
- 2) Appeal form
- 3) Letter to Tri-State dated April 24, 2002
- 4) Zoning Ordinance sections – 60.750, 65.510

**Staff Analysis:**

In mid July, 2001 Tri-State submitted an application for an advertising sign zoning certificate and a letter reserving 1724 S. Broadway for an advertising sign. The Planning Department responded on July 18<sup>th</sup> indicating that the application was not complete and must be amended. The application was determined to be incomplete as it failed to satisfy two ordinance requirements 1) the need to provide an accurate site plan, and an 2) amended site plan showing that the sign would meet the setback requirements. The



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applicant did not submit a suitable site plan that would have been useable and therefore could not be amended at the time of application.

An additional requirement for approving Tri-State's application was that Tri-State owned another advertising sign located on the adjacent property to the south would have to be removed before the Planning Department could issue the zoning certificate for the new sign on the Grimm property. The sign on the adjacent property has yet to be removed.

In the same letter notifying Tri-State of the incomplete application the Planning Department stated that the site would be reserved for 120 days. The staff issued the 120 letter based on the requirements of Section 60.509. The letter should not have been issued until the applicant submitted a corrected site plan and met all other submittal requirements.

Two sign credits were submitted with the application, credits #21 and 23. Two credits were submitted because the sign size covered by the credits were 312 square feet and 288 square feet and the proposed sign was to be 600 square feet. The expiration dates were July 15, 2001 and November 1, 2002. Staff did not notify Tri-State that they had a sign credit expire on July 15, 2001. It was not until April of this year that staff looked at the sign credits at the time Tri-State submitted a complete final site plan. The discussions with Tri-State during the summer of 2001 focused on the site plan, setback requirements, and replacing the existing sign or placing the sign on an adjacent property owned by a different landowner.

In April, 2002 Tri-State submitted a revised site plan for a sign permit. Staff did not approve the permit. Tri-State was notified that credit #21 could not be accepted because it had expired on July 15, 2001. Staff indicated in the April 24<sup>th</sup> letter that Tri-State could submit a different sign credit.

The staff decision to deny the zoning certificate was based on the following factors:

1. an expired sign credit #21, and
2. an existing advertising sign had not been removed on the adjacent property immediately to the south.

#### ***Zoning Ordinance Requirements:***

The zoning ordinance provides specific regulations covering the use of sign credits. Section 65.510(5)(b) states that

"The sign credit must be used to erect a new conforming advertising sign within two years of the date of issuance or the credit will lapse."

This section of the ordinance was part of the original 1992 ordinance and not a part of the 1997/98 amendment to the advertising sign provisions, and is the only section of the

ordinance covering sign credit redemptions. The two year limit was intended to prevent sign companies from getting permits for locations and indefinitely tying up a site. There is otherwise no time limit on zoning certificates.

**Board of Appeals Decision:**

The Board of Appeals must determine if the staff has applied the appropriate ordinance provisions and applied them as prescribed by the ordinance. (Refer to Section 60.750 and 751 for decisions.)

Reviewed by \_\_\_\_\_  
Date

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TO: CITY PLANNING AND ZONING COMMISSION

FROM: JOHN HARFORD

DATE: DECEMBER 13, 2002

RE: TEXT AMENDMENT #02-06 – AMENDING SECTION 65.510(5)(b)

At the public hearing on December 11, 2002 the CPZC requested that the staff prepare a revised version of the staff recommended amendment. The CPZC requested that the language include a statement about what happens if a credit expires, and specifically after a zoning certificate has been issued but the advertising sign not built during the certificate time period allowed by the zoning ordinance.

The staff recommended language from the 10/30/02 staff report as corrected during the meeting is:

**“Sign credits shall expire 2 years from the date of issuance or the credit will lapse. A complete sign permit shall be submitted to the zoning administrator with and approved by the zoning administrator prior to the date of expiration of the sign credit. The complete sign permit shall be submitted at least 10 days prior to the expiration date of the sign credit.”**

Section 61.131(2) of the zoning ordinance addresses the expiration of a sign permit. The subsection states that “a sign permit shall expire if the sign is not erected within 180 days after issuance and no permit fees or inspection fees for such sign shall be refunded”. This provision was not a part of 65.510(5)(b) and not in the initiated text amendment, and, in addition, does not need to be amended as it is clearly stated and applies to all sign types.

The staff recommended language can be amended to address the concern expressed by the CPZC about clearly stating what happens if a sign permit expires. The suggested change is as follows:

**“Sign credits shall expire 2 years from the date of issuance. A complete sign permit shall be submitted to and approved by the zoning administrator prior to the date of expiration. ~~The complete sign permit shall be submitted at least 10 days prior to the expiration date of the sign credit.~~ (This requirement could be removed**

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as this essentially shortens the allowable time by 10 days. However, the sign companies must realize the consequences of a late submittal. If they submit a sign permit that is wrong or incomplete and the sign credit expires the day they submit the application to the Planning Department the credit will expire and they will need to submit another credit.)

The remaining sentences of the current Section 65.510(5)(b) should be amended by replacing the word "lapses" with the word "expires" or "expired". This amendment will make the intent internally consistent with the suggested amendment above. The remaining portion of subsection (b) should remain unchanged. (See the attached copy of this section.)

To address the concern the CPZC expressed on December 11<sup>th</sup> the following sentences should be added as a separate paragraph to 65.510(5)(b).

**"Where a sign permit has been issued for an advertising sign by the zoning administrator and the sign permit expires as specified in Section 61.131(2) the sign credit shall also have expired. No advertising sign may be erected following the expiration of the sign permit."**

To restate, subsection 65.510(5)(b) is recommended to read as follows:

**"Sign credits shall expire 2 years from the date of issuance. A complete sign permit shall be submitted to and approved by the zoning administrator prior to the date of expiration of the sign credit. If the sign credit expires, the person or entity seeking to erect a new advertising sign must remove an additional equal or greater amount of legal nonconforming advertising sign area in order to erect a new advertising sign. In addition, if the sign credit expires, the number of the cap set forth in Section 63.224 (1)(e) shall decrease by the number of expired credits. However, the period of time during which an interim ordinance on the erection of new advertising signs is in effect shall not be counted in determining whether a sign credit has expired.**

**"Where a sign permit has been issued for an advertising sign by the zoning administrator and the sign permit expires as specified in Section 61.131(2) the sign credit shall also have expired. No advertising sign may be erected following the expiration of the sign permit."**

The motion carried 7-0, with Ms. Wiesner abstaining.

Ms. Petersson moved to recommend approval of General Development Plan #193 to be known as Rocky Creek Townhomes by the Kendal Group based on staff recommended findings, conditions, and with the applicant providing updated plans as discussed with the Park and Recreation Department to staff prior to the City Council meeting. Ms. Rivas seconded the motion. The motion carried 7-0, with Ms. Wiesner abstaining.

CONDITIONS:

1. Prior to Final Plat submittal, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, park dedication, traffic improvements, access control, pedestrian facilities, right-of-way dedication, access and extension of utilities for adjacent properties, and contributions for public infrastructure.
2. Grading & Drainage Plan approval is required prior to development. The proposed on-site storm water detention facility will serve less than 50 developable acres and will be private. Execution of an Ownership & Maintenance Agreement will be required for the proposed pond facility. A Storm Water Management fee will apply to any areas of this development that does not drain to an on-site facility, and are allowed to participate in the City's Storm Water Management Plan (SWMP).
3. Pedestrian facilities (5 foot wide sidewalk) shall be constructed along the entire frontage of this property abutting Rocky Creek Drive.
4. If the variance is not granted to the access spacing standards for the private roadway location to 26<sup>th</sup> Street NE the development shall be limited so that there is no more than 500 average daily trips using the private roadway access to Rocky Creek Drive NE.
5. Upon approval by the City Council for the Substantial Land Alteration, the applicant shall provide surety that guarantees the site will be fully restored after the completion of the excavation activity. Said surety must be provided prior to commencement of grading activities on the property. If the City Council denies the Substantial Land Alteration, the development layout shall be redesigned to accommodate grades where there is no change 10 feet or more.

Ms. Petersson moved to recommend approval of the substantial land alterations for the Kendall Group based on staff-recommended findings. Ms. Rivas seconded the motion. The motion carried 7-0, with Ms. Wiesner abstaining.

X Text Amendment #02-06 initiated by the City Planning and Zoning Commission, to amend Section 65.510(5)(b) of the Rochester Zoning Ordinance and Land Development Manual. This section, Termination of Nonconforming Advertising Signs, covers the standards for use of advertising sign credits.

Mr. John Harford presented the staff report, dated October 31, 2002, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

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Mr. Harford explained that two appeals were made regarding the Rochester-Olmsted Planning Department denying two advertising permits. He explained that the Board of Appeals questioned the definition of "erect".

Mr. Harford explained that option number 2 listed in the staff report was the best option for the Rochester-Olmsted Planning Department. He explained that it gives clear direction to the Planning Department and sign companies.

Mr. Ohly asked how long a permit was good for.

Mr. Harford responded that the Building Code states 180 days. As a general rule, the Building and Safety Department does not enforce that provision. Under Section 61.131 of the Zoning Ordinance, subsection 2 states that sign permits expire 180 days from submittal date.

Mr. Ohly stated that he did not believe the language created was clear enough to state what will happen in a certain amount of days for sign companies.

Mr. Harford stated that it is spelled out in the Ordinance, but probably in a different section of the Ordinance. He stated that he could look into Section 61.131 to see what changes would need to be made.

Mr. Ohly stated that he wanted a sign company to know that they would lose a permit if they did not build in 180 days and their sign credit would expire. He explained the importance of it being stated very clearly in one section.

Ms. Wiesner clarified that the Building and Safety Department only requires that the applicant begin construction in 180 days (not completing the construction).

Mr. Harford stated that Section 61.131 states that a sign permit shall expire if the sign is not erected within 180 days. He stated that his viewpoint is that, if the pole were in the ground within 180 days, they would meet the Ordinance provisions.

Mr. Ohly asked what would happen if only the pole was in place two years later.

Ms. Wiesner responded that they would lose it at that point.

Mr. Ohly questioned if option two clearly stated that they would lose the sign at that point.

Mr. Harford responded that he would look at Section 61.131 more closely.

Mr. Harford explained that the two-year sign credit was different than a permit. He explained that a sign credit was developed as an incentive for sign companies to remove non-conforming signs.

Mr. Haeussinger stated that it was clear that the City Council wanted them to use the sign credit within two years. He stated that it is the sign company's responsibility to make sure that they use it in the time permitted.

Mr. Haeussinger stated that he believed the language in option one clearly spelled out what the company needs to do and what happens if they do not do it.

Mr. Harford explained the process of issuing a sign credit.

Mr. Harford stated that 44 sign credits have been issued. All but 17 have been redeemed.

Mr. Harford asked if the Commission would like him to work on more specific language.

Mr. Ohly responded yes.

Mr. Carl Heins, of 1817 5<sup>th</sup> Avenue SW, Rochester MN, addressed the Commission. He stated that he was an employee of Tri-State Outdoor. He stated that he spoke with Mr. Harford today regarding option two. He stated that option two would not affect Tri-State significantly. He stated that he did not believe that that a sign credit was a magical privilege, as they have to adhere to the Ordinance. He agrees that the Ordinance needs to be clear that companies will lose their sign credit if the sign was not constructed within two years.

Mr. Heins handed out a letter drafted to the Downtown Business Association and Chamber of Commerce to the Commissioners. He also handed out the response from the Chamber of Commerce. With the development of Highway 52, they will need to take down a number of signs. He asked that the City extend the life of credits that have to be taken down due to the Highway 52 project to put in the same area.

Mr. Staver responded that his request would have to be dealt through a separate issue and action.

Mr. Don Prow, of 516 17<sup>th</sup> Avenue SE, Rochester MN, addressed the Commission. He stated that he was the only locally owned company in Rochester. He stated that he was present when the Ordinance was revised with regard to signs. He explained that, when a sign credit is lost, it reduces the amount of signs in the community. He stated that, although the community is getting larger, the amount of signs is reducing. He explained the difficulty of finding another good location of the signs.

Mr. Prow stated that he would like more time to get new signs up when the Highway 52 project makes sign companies take signs down.

Mr. Prow requested that, if the same sign company is locating a new sign on the same property, they would be able to put a new pole in the ground before having to take the other out. He explained that it was easier to move the sign from one pole to another and is more cost effective.

Mr. Staver asked Mr. Harford if he could have draft language prepared by January 8, 2003 meeting.

Mr. Harford responded yes.

**Ms. Petersson moved to continue Text Amendment #02-06 initiated by the City Planning and Zoning Commission to January 8, 2003. Mr. Haeussinger seconded the motion. The motion carried 8-0.**

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- a. It has been found in previous occasions that the road access location requirements need not be met. We have approved other projects not meeting this criteria.
- b. Having relatively flat terrain.
- c. Having good vehicular and pedestrian access, which has been presented at the meeting.
- d. The projected service area meets the criteria.
- e. This criterion meets to be met.

Mr. Haeussinger seconded the motion. The motion carried 7-1, with Ms. Rivas voting nay.

Mr. Burke moved to recommend approval of Zoning District Amendment #02-15 by Mark Leitzen based on the fact that all of the adjacent properties are currently zoned B-4. Ms. Petersson seconded the motion.

Mr. Staver stated that part of the rationale is that the zoning would be inconsistent with the land use plan amendment that was recently approved.

The motion carried 7-1, with Ms. Rivas voting nay.

Mr. Burke moved to recommend approval of General Development Plan #195 to be known as West River Parkway with the restrictions as presented by the applicant. Ms. Petersson seconded the motion. The motion carried 7-1, with Ms. Rivas voting nay.

\* Text Amendment #02-06 initiated by the City Planning and Zoning Commission, to amend Section 65.510(5)(b) of the Rochester Zoning Ordinance and Land Development Manual. This section, Termination of Nonconforming Advertising Signs, covers the standards for use of advertising sign credits.

Mr. John Harford presented the staff report, dated December 13, 2002, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Ohly agreed with the language.

Ms. Petersson stated that Mr. Prow mentioned Highway 52 and getting longer time limits on the sign credits.

Mr. Harford responded that the City Administrator's office and City Council are responding to that issue.

With no one else wishing to be heard, Mr. Staver closed the public hearing.

Mr. Haeussinger moved to recommend approval of Text Amendment #02-06 initiated by the City Planning and Zoning Commission as presented. Mr. Ohly seconded the motion. The motion carried 8-0.

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# REQUEST FOR COUNCIL ACTION

MEETING

DATE:

141  
2/3/03**AGENDA SECTION:**  
REPORTS RECOMMENDATIONS**ORIGINATING DEPT:**  
Public Works**ITEM NO.**

F-1

**ITEM DESCRIPTION:** Petition for the Extension of Sanitary Sewer and Watermain in Eastwood Road SE**PREPARED BY:**

J. Loehr

A petition has been received from the owner of property located at 2020 Eastwood Road SE. The property owner requests that the city construct a sanitary sewer and watermain extension project under the Water Quality Protection Program to serve the property.

This petition was presented to the City subsequent to discussions between the property owner and the Water Quality Protection Program (WQPP), Project Manager regarding the WQPP policies as they relate to the petition property.

The property is currently located within the City of Rochester corporate limits, as the property owner previously petitioned for annexation of the property in anticipation of receiving city services.

**COUNCIL ACTION REQUESTED:**

1. A motion referring the prepared resolution forwarding the petition to the Department of Public Works for preparation of Feasibility Studies.
2. Authorize Staff to develop Engineering Service Agreements for a sanitary sewer and watermain extension project to serve the petition property.

Att: 2020 Eastwood Road SE Location Map  
Petition

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

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PETITION FOR LOCAL IMPROVEMENT PROJECT

CITY OF ROCHESTER

We the owners of property located at 2020 Eastwood Road SE located in Marion Township, Minnesota, do hereby petition the Rochester City Council to construct the following local improvement project:

Sanitary Sewer and Watermain Extension to Serve 2020 Eastwood Road SE

We are aware that as owners of the property, we are subject to sanitary sewer and watermain connection charges, a service connection charge, and sewer and water availability charges pursuant to the City of Rochester's, Alternative Connection Charge Policy.

Based on our date of Petition we further request that the charges attributable to our property be made consistent with the rates effective in the year 2001.

We are also aware that our property is eligible for certain allowances consistent with the City of Rochester's Water Quality Protection Program.

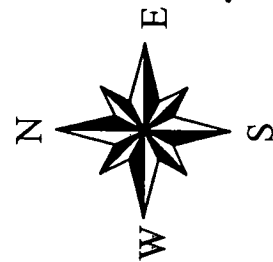
Name (please print)

Address

Signature

Alexey and Olga Leontovich, 2020 Eastwood Rd, Rochester, MN.





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# REQUEST FOR COUNCIL ACTION

MEETING

DATE:

145  
2/3/03**AGENDA SECTION:**

REPORTS RECOMMENDATIONS

**ORIGINATING DEPT:**

Public Works

**ITEM NO.**

F-2

**ITEM DESCRIPTION:**Petition for the Extension of Sanitary Sewer and Watermain to  
Serve 1431-20<sup>th</sup> Street SW**PREPARED BY:**

J. Loehr wlf

A petition has been received from the owner of property located at 1431-20<sup>th</sup> Street SW. The property owner requests that the city construct a sanitary sewer and watermain extension project to allow for the subdivision of 8-acres into 6 or 7 lots.

The existing single-family residential dwelling located on the property is eligible to participate in the City Water Quality Protection Program (WQPP).

The property is currently located within the City of Rochester corporate limits.

**COUNCIL ACTION REQUESTED:**

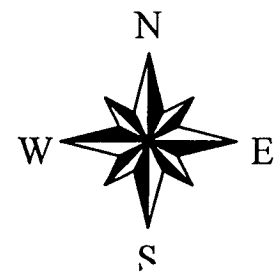
1. A motion referring the prepared resolution forwarding the petition to the Department of Public Works for preparation of Feasibility Studies.
2. Authorize Staff to develop Engineering Service Agreements for a sanitary sewer and watermain extension project to serve the petition property.

Att: 1431-20<sup>th</sup> Street SW Location Map  
Petition

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

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Petition Property



8-28-02

Mike Nigbar 281-6216 147

Mike,

I would like to petition for city sewer  
 $\frac{1}{2}$  water to my property to allow future  
subdivision of the 8 acres that I own  
into 6 or 7 lots. What is needed  
to start the process?

Thanks

Lloyd Johnson

261-0184

fax 529-7527

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# **REQUEST FOR COUNCIL ACTION**

MEETING  
DATE: 2/3/03

149

**AGENDA SECTION:**  
RESOLUTIONS AND ORDINANCES

**ORIGINATING DEPT:**  
CITY ATTORNEY'S OFFICE

**ITEM NO.**  
G

**ITEM DESCRIPTION:**  
RESOLUTIONS AND ORDINANCES

**PREPARED BY:**  
TERRY ADKINS  
TCA

## **G. 1. RESOLUTIONS**

**G. 2. FIRST READING OF ORDINANCES, as appropriate.**

**G. 3. SECOND READING OF ORDINANCES (for adoption).**

a) An Ordinance Establishing The Salaries of The Mayor, Council Member-At-Large, and Council Member.

b) An Ordinance Annexing To The City Of Rochester Approximately 59.13 Acres Of Land Located In A Part Of The East Half Of Section 8, Township 106 North, Range 14 West, Olmsted County, Minnesota. Said Property is located on the North Side of Salem Road and the East Side of Westhill Drive SW.

c) An Ordinance Amending the Provisions of Ordinance No. 3515 Which Provided For the Rezoning Of Approximately 15.31 Acres of Land From The R-1 Zoning District To the B-4 Zoning District.

d) An Ordinance Rezoning Certain Property From the R-1 Zoning District To The R-1x Zoning District and Amending Ordinance No. 2785, Known As The Zoning Ordinance And Land Development Manual of the City Of Rochester, Minnesota. Said Property is located East of North Broadway and South of Rocky Creek Drive NE and North and West of 26<sup>th</sup> Street N.E.

## **G. 4. MISCELLANEOUS**

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

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